



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22758 of 2021

Settu

... Petitioner

Vs.

The State represented by
The Sub-Inspector of Police,
Begayam Police Station,
Vellore District.
Cr.No.394 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to grant anticipatory bail to the petitioner in the event of
his arrest by the respondent police in crime No.394 of 2021 on the
file of the respondent police.

For Petitioners : Mr.M.R.Thangavel

For Respondent : Mr.N.S.Suganthan

Government Advocate (Crl. Side)

ORDER

The petitioner who apprehends arrest at the hands of the
respondent police for the alleged offences under Section 4(3) of TN
Gaming Act and Section 420 of IPC, in Crime No.394 of 2021, on the
file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on assurance for prize
winner the defacto complainant has paid Rs.50/- and lucky winner will
be given prize amount of 100 times paid money, but, he was not
allotted prize as assured. Hence, the complaint.



3. The learned counsel appearing for the petitioner submits that on vengeance, the defacto complainant lodged a false complaint against the petitioner and he further submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI.Side) submits that the petitioner is having seven previous cases, out of which, two cases are similar in nature and one case was filed under Section 307 of IPC. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned Government Advocate (CrI. Side) as investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate- I, Vellore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner is directed to report before the respondent police daily at 10.30 a.m. until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-
30/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE
BAGAYAM POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.R.THANGAVEL Advocate on payment of necessary charges SR.NO.13791

CRL OP.22758/2021

Date :30/11/2021

JPA 06/12/2021