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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM

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

Cr1.O.P.No.23390 of 2021

Mariappan

... Petitioner

Vs.

The State Rep. By
The Inspector of Police,
Hasthampatty Police Station,
Salem District.
Cr.No.309 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.309 of 2021 on the file of the Inspector of Police, Hasthampatty Police Station, Salem.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.A.Gokulakrishnan

Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest for the alleged offence under Sections 7(1) and 7(3) of Lotteries Regulation Act, 1998, r/w Section 420 of IPC in Cr.No.309 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons were found selling banned lottery tickets. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions, he submits that the petitioner is ready and willing to pay a sum of Rs.5,000/- to any Charitable Institute as may be directed by this Court and he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submits that petitioner along with other accused persons were found selling banned lottery tickets. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of **Rs.5,000/-** for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.3, Salem**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** 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 is directed to deposit a sum of **Rs.5,000/- (Rupees Five thousand only) to the** Registered Advocates Clerks Association, Salem District, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.;

[b] 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.

[c] the petitioner is directed to report before the respondent police on every Wednesday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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 has 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]**;

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

-sd/-

03/12/2021

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

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.3, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
HASTHAMPATTY POLICE STATION,
SALEM DISTRICT.

5 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
SALEM DISTRICT.

CC to M/S. B.VASUDEVAN Advocate on payment of necessary charges

CRL OP.23390/2021

Date :03/12/2021

TA-13/12/2021