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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24342 of 2021

1.Karthick
2.Manavalan
3.Maruthayan

... Petitioners

Versus

The State by
The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram.
(Crime No.1381 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of the arrest in Crime No.1381 of 2021 pending investigation on the file of the Inspector of Police, Villupuram Taluk Police Station, Villupuram.

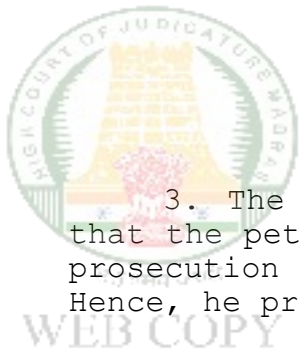
For Petitioners: Mr.C.Ganesh Pandian

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

O R D E R

The petitioners, who apprehends arrest for the alleged offence under Sections 294(a), 294(b), 353, 506(ii), 307 of IPC r/w Section 3 of the TNPPDL Act r/w Section 7(3) TNLR Act in Crime No.1381 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 13.11.2021 when the defacto complainant who is the Head Constable of the respondent police stating along with his police party had gone for enquire with regard to case in Crime No.1308 of 2021 one Gajendran who is the Kingpin for selling illegal lotteries, abused the defacto complainant and also damaged their two wheeler and that the petitioner is the agent for selling the illegal lotteries to the public. Hence this complaint.



3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that no previous case pending against the 1st petitioner, 2 cases pending against the 2nd and 3rd petitioners, but investigation almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate - I, Villupuram, on condition that the petitioners 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) 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 petitioners shall report before the respondent police on every Saturday at 10.30 a.m. until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-

15/12/2021

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, VILLUPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
VILLUPURAM TALUK POLICE STATION,
VILLUPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.GANESH PANDIAN Advocate on payment of necessary charges Sr.14823

CRL OP.24342/2021

Date :15/12/2021

RVR 20/12/2021