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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2021

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THE HONOURABLE **MR. JUSTICE B.PUGALENDHI**

CRL.O.P.No.25873 of 2021

Sammubai

... Petitioner

Versus

State Rep by
Inspector of Police,
Chidambaram Town Police Station,
Cuddalore District
(Crime No.1193 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in the event of their arrest in Crime No.1193 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.Om Sai Ram

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest for the alleged offences under Section 420 of I.P.C read with Section 5 and 7 (3) of Lottery Regulation Act,



1988, in Crime No.1193 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution that the petitioner along with other accused was found in illegal possession of banned lottery tickets. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. In order to show his *bonafide*, he is ready and willing to pay a sum of Rs.10,000/- to any public organization. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the petitioner has involved in illegal possession of banned lottery tickets. He further submitted that there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the allegations made against the petitioner and also the



fact that the petitioner had no bad antecedents and has also come forward to deposit a sum of Rs.10,000/- to the public organization, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall pay a sum of Rs.10,000/-(Rupees Ten Thousand only) to the credit of **Green Committee, Cuddalore**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, No.2, Chidambaram.

7. On production of such receipt/acknowledgement, the petitioner is ordered to be released on 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.2, Chidambaram., 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m. until further orders.

[c]the petitioner shall not tamper with the 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 is 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 229-A IPC.

29.12.2021

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Crl.O.P.No.25873 of 2021

B.PUGALENDHI, J.

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To

1. The Judicial Magistrate - II,
Chidambaram.
2. The Inspector of Police,
Chidambaram Town Police Station,
Cuddalore District
3. The Public Prosecutor,
Madras High Court.

Crl.O.P.No.25873 of 2021

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