



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 01/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . Nos.101, 102 and 103 of 2021

Francis

... Petitioner/Accused No.1
IN CRL OP(MD)No.101 of 2021
... Petitioner/Accused No.3
IN CRL OP(MD)No.102 of 2021
... Petitioner/Sole Accused
IN CRL OP(MD)No.103 of 2021

Vs

State rep.by
The Inspector of Police,
Virudhunagar Bazar Police Station,
Virudhunagar District.

... RESPONDENT/COMPLAINANT
IN ALL THE PETITIONS

In Crime No. 311 of 2019
In Crime No. 334 of 2019
In Crime No. 311 of 2020.

... IN CRL OP(MD)No.101 of 2021
... IN CRL OP(MD)No.102 of 2021
... IN CRL OP(MD)No.103 of 2021

(in all Crl.O.Ps)

For Petitioner : Mr.M.Jothi Basu,
Advocate.

For Respondent : Mr.M.Chandra Sekaran,
Additional Public Prosecutor

PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

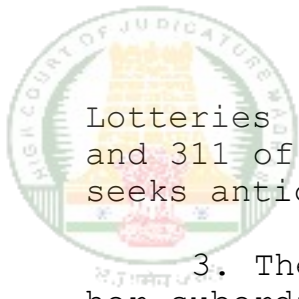
For Anticipatory Bail in Crime Nos.311 and 334 of 2019 and 311 of 2020, respectively on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under section 7(3) of

<https://hcservices.ecourts.gov.in/hcservices/>



Lotteries (Regulation) Act, 1998, in Crime Nos.311 and 334 of 2019 and 311 of 2020, respectively, on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that when the respondent with her subordinates inspected the petitioner's tea stall, she recovered Oppo and two Samsung cell phones and it was found that the accused engaged in lottery business. Hence, the complaint.

4. The learned counsel for the petitioner contended that the petitioner was running a tea stall in the name and style of Francis Tea Stall. When the respondent police inspected the tea stall, they recovered three mobile phones and it was found that the accused persons engaged in lottery business. Hence, the petitioner was arrested and thereafter, he was granted station bail by the respondent. Now the petitioner apprehends that he may be arrested again for aforesaid crime numbers. Hence, he seeks anticipatory bail.

5.The learned Additional Public Prosecutor for the respondent submitted that there is no such proposal for the respondent to arrest the petitioner in the aforesaid crime numbers.

6.Now the main contention is that whether the station bail granted by the respondent is valid or not. It is relevant to extract Section 437 (2) and (4) of Criminal Procedure Code, which reads as follows:-

"437. When bail may be taken in case of non-bailable offence.

(1)

(2) *If it appears to such officer or Court at any stage of the investigation, inquiry or trial as the case may be, that there are not reasonable grounds for believing that the accused has committed a non-bailable offence, but that there are sufficient grounds for further inquiry into his guilt, the accused shall, subject to the provisions of section 446A and pending such inquiry, be released on bail, or, at the discretion of such officer or Court on the execution by him of a bond without sureties for his appearance as hereinafter provided.*

(3)

(4) *An officer or a Court releasing any person on bail under sub-section (1), or sub-section (2), shall record in writing his or its reasons or special reasons for so doing."*

7.In view of the aforesaid provision, the station bail granted by the station officer is proper and valid. The respondent also informed the Court that they have no proposal to arrest the petitioner in this case again.



8.In the view of the above observations, these criminal original petitions are closed.

sd/-
01/02/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE INSPECTOR OF POLICE,
VIRUDHUNAGAR BAZAR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+3 CC to M/s.G.M.LAW OFFICE, Advocate (SR-604, 605, 606[I] dated 02/02/2021)

ORDER
IN
CRL OP(MD). Nos.101, 102 and 103 of 2021
Date :01/02/2021

IAS
AE/SMA/SAR-II (05/02/2021) 3P / 6C