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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/03/2021

PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1978 of 2021

S.Sasi Kumar

... Petitioner/Accused No.1

Vs

The State Rep. by
The Sub Inspector of Police,
Nilakottai Police Station,
Dindigul District.
Crime No.6/2021

... Respondent/
DefactoComplainant

For Petitioner : Mr.Haja Mohideen.A, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.6 of 2021 on the file of the Respondent police.

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(1)(3) of the Lotteries Regulation Act, in Crime No.6 of 2021, on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the respondent police, on 04.01.2021, on suspicion, the respondent enquired the petitioner and found 95 numbers of lottery tickets and a sum of Rs.1,75,000/-

and the same have been recovered from him.

4. The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he is nothing to do with the alleged offence.

5. The learned Government Advocate (crl.side) appearing for the respondent Police, on instructions, would submit that on 04.01.2021, on suspicion, the respondent enquired the petitioner and found 95 numbers of lottery tickets and a sum of Rs.1,75,000/- and the same have been recovered from him. The petitioner is having one previous case of similar nature and the investigation is under progress.

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

7. Accordingly, the petitioner shall draw a demand draft in favour of "The Dean, Government Dindigul Medical College and Hospital, Dindigul District for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) without prejudice to his rights and contentions before the trial Court. The petitioner shall produce the proof of remittance /submission of Demand Draft, while executing sureties. On acknowledgment of the same, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nilakottai, 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 to 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 shall report before the respondent police, as and when required for interrogation.

(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]**; and;

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

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sd/-
01/03/2021

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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 JUDICIAL MAGISTRATE, NILAKOTTAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
NILAKOTTAI POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE DEAN,
GOVERNMENT DINDIGUL MEDICAL COLLEGE AND HOSPITAL,
DINDIGUL.

ORDER
IN
CRL OP(MD) No.1978 of 2021
Date : 01/03/2021

MPK
TE/SMA/SAR-I : 05/03/2021 : 3P/6C