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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.2942 of 2021

Dhanapal

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Pattukkottai Town Police Station,
Thanjavur District.
Crime No. 128 of 2021.

... Respondent/Complainant

For Petitioner : Mr.B.Anandan,
Advocate.

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

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

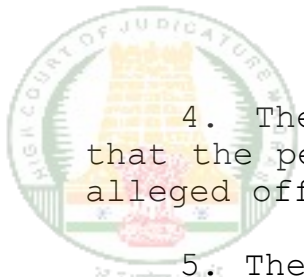
PRAYER :- For Anticipatory Bail in Crime No.128 of 2021 on the file of the Respondent Police.

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 Sections 5 & 7 (3) of Tamil Nadu Lottery Regulation Act, 1998, in Crime No.128 of 2021, on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that on suspicion, the respondent enquired the petitioner and found that the petitioner was in possession of lottery sheets. The respondent Police recovered 8 numbers of Lottery sheets, 2 numbers of Nokia Cell-phone and a sum of Rs.2600/- 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 suspicion, the respondent Police enquired the petitioner and found the petitioner was possession of lottery sheets. Further, the respondent Police recovered 8 numbers of Lottery sheets, 2 numbers of Nokia Cell-phone and a sum of Rs.2600/- from him. Hence, the case. 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 / A2 shall draw a demand draft in favour of "The Dean, Thanjavur Medical College Hospital, Thanjavur", for a sum of Rs.10,000/- (Rupees Ten 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, Pattukkottai, 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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/ /2021

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

TO

- 1.THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.
- 2.-DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
PATTUKKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN,
THANJAVUR MEDICAL COLLEGE HOSPITAL,
THANAJVUR.

ORDER
IN
CRL OP(MD) No.2942 of 2021
Date :01/03/2021

MPK
AE/JC/SAR-III (04/03/2021) 3P / 6C