



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.9103 of 2021

M.Pandian,

... Petitioner/
Accused rank Not Known

Vs

The Sub Inspector of Police,
Vangal Police Station,
Karur District
Crime Nos.400 2021.

... Respondent/Complainant

For Petitioner : M/s.Prabha.S.,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.400 Of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 420 of IPC and Section 7(3) of Lotteries Regulation Act 1998, in Crime No.400 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 05.07.2021 at about 06.00 a.m, the police found near Vangal Agraharam entrance, the accused Shanmugam in a suspicious manner. He tried to escape on seeing the police. The police apprehended him and found that he was in possession of lottery tickets, which was banned in the State of Tamil Nadu. Therefore, this case came to be registered.



3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation in this case is not completed. His further submission is that the petitioner was implicated on the basis of the confession statement of the accused-Shanmugam.

5.According to the case of the prosecution, the petitioner went to supply the lottery tickets to the accused-Shanmugam. Further, the learned counsel for the petitioner submitted that the co-accused had been arrested and released on bail and this petitioner is implicated only on the basis of the confession statement of the accused and there is no material to support the allegations made against the petitioner. This is a case of illegal possession of lottery ticket for selling. This petitioner is implicated on the basis of the confession from the co-accused. Except the confession from the co-accused, as of now, there is no other materials available to implicate the petitioner.

6.Taking into consideration the aforesaid facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

7.Accordingly, 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.II, Karur, Karur District, 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 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, daily at 10.30 a.m., until further orders;

[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]**;

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/07/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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 No.II,
Karur, Karur District.
2. Do-Through The Chief Judicial Magistrate,
Karur District.
3. The Sub Inspector of Police,
Vangal Police Station, Karur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M/S.S.PRABHA, Advocate (SR-4727[I] dated 20/07/2021)

ORDER IN
CRL OP(MD) No.9103 of 2021
Date : 19/07/2021

TR/JC/SAR-I (22.07.2021) 3P 6C