



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11534 of 2021

M.Pandian, ... Petitioner/Accused Rank not known

Vs

State rep by,
The Inspector of Police(Circle),
Vangal Police Station,
Karur District.
Cr.No.not known of 2021. ... Respondent/Complainant

For Petitioner : MR.S.Prabha,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.Not known 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 7(3) of Lotteries Regulation Act, 1998 r/w Section 420 of IPC, in Crime No.not known of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with the other accused involved in the sale of prohibited lottery tickets. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the investigation is at the crucial



5. This Court, by order dated 09.09.2021, granted interim anticipatory bail to the petitioner enabling him to appear before the respondent Police and the respondent Police was directed to file a report. After conducting investigation, the respondent police has also filed a report, wherein, it has been stated that on 07.07.2021, near Sammadai Roundana, they have arrested the accused namely Vijay, Manmangalam, Naveen and recovered the prohibited lottery tickets from them. The accused gave confession statements and in the confession statements, they have stated about the involvement of the petitioner. Based upon the same, the name of the petitioner has been included in the First Information Report.

6. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, and also the fact that there is no other material than the confession statement of the co-accused, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this criminal original petition is allowed and 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.25,000/- (Rupees Twenty Five 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 the 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 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/-
01/10/2021

/ TRUE COPY /

WEB COPY

/ /2021

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

ssb

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.
- 3 THE INSPECTOR OF POLICE
(CIRCLE), VANGAL POLICE STATION, KARUR
DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.PRABHA, Advocate (SR-6852[I] dated 04/10/2021)
ORDER
IN
CRL OP(MD) No.11534 of 2021
Date :01/10/2021

PKP/VR/SAR-3/06.10.2021/3P/6C