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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18003 of 2021

1.K.Palani
2.G.Rajesh Kanna

... Petitioners/
Accused Nos.1 and 2

Vs

State rep.by
The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
(Crime No.299/2021).

... Respondent/Complainant

For Petitioners: M/s.V.Panneer Selvam, Advocate.

For Respondent : M/s.S.S.Madhavan
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.299/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5 and 7(3) of Lotteries (Regulation) Act, 1998 in Crime No.299 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on receiving a secret information, the police team went for a raid in the occurrence place. On seeing the police, the petitioners ran away by leaving the lottery tickets which was banned by the Government and Rs.3,60,000/- in the scene of occurrence. Hence the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. The first petitioner is running a Mobile Phone sales and service shop for nearly 13 years and the second petitioner is working in the first petitioner's shop. They were, in no way connected with the incident.

4. The learned Government Advocate (Crl. Side) would submit that no previous case has been filed against the petitioners herein.

5. Considering the charges levelled against the petitioner and also the fact that the properties were recovered by the police and that the petitioners are not having any previous case for the similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvadanai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 conditions that:

a) the petitioners 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 petitioners shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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**



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

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Sd/-
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/ /2021

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

pnn

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

+1. CC to M/S.PANNEER SELVAM V Advocate SR.No.35954

ORDER
IN
CRL OP(MD) No.18003 of 2021
Date :23/11/2021