



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD). No.19459 of 2021

WEB COPY

Pathmanathan

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
(Crime No. 481 of 2021).

... Respondent/Complainant

For Petitioner : M/s. Sulthan Basha.J.,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.481 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, who was arrested and remanded to judicial custody on 06.11.2021 for the offence punishable under Sections 5 & 7 (3) of Lotteries (Regulation) Act, in Crime No.481 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with the other accused illegally sold the prohibited lotteries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution, he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 06.11.2021. Hence, he seeks bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is having 3 previous cases similar in nature and the investigation is pending. It appears that the petitioner is repeatedly indulged in such a illegal activities.



5.The learned counsel for the petitioner would submit that the petitioner is having petty shop. Because of that, repeatedly, cases have been foisted against him.

6.This sort of argument cannot be accepted by this Court and the petitioner must correct himself.

7.At this juncture, the learned counsel for the petitioner would submit that he will ready to file an undertaking affidavit to the effect that he will not indulge in such illegal activities in future.

8.Considering the undertaking affidavit has to be filed by the petitioner and also the fact that the petitioner was in judicial custody from 06.11.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

9.Accordingly, the petitioner is ordered to be released on bail, on executing a personal 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 learned Judicial Magistrate No.I, Ramanathapuram District, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

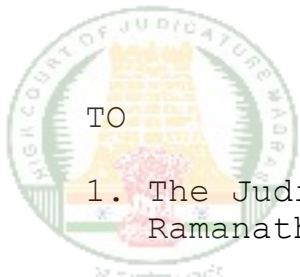
10.The petitioner must file undertaking affidavit on 13.12.2021. If any violation is noticed, bail granted by this Court, shall stand automatically cancelled. After releasing on bail, the petitioner must file a copy of the above said affidavit before the concerned Magistrate Court and send another copy to the concerned Police Station.

sd/-
09/12/2021

/ TRUE COPY /

/ /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 No.I,
Ramanathapuram District.
2. Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.
3. The Superintendent,
Central Prison, Madurai.
4. The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
(Crime No. 481 of 2021).
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.19459 of 2021

Date :09/12/2021

RS/VR/SAR2 (10.12.2021) 3P-6C