



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.512 of 2022

1.Sathymurthy @ Haribabu
2.Rajesh

.. Petitioners

Vs.

State represented by
The Inspector of Police,
P-3, Vyasarpadi Police Station (Law and Order),
Vyasarpadi, Chennai - 600 039.
Crime No.960 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioners on bail in the event of his arrest
by the respondent police in Cr.No.960 of 2021 on the file of the
respondent police.

For Petitioners : Mr.E.Vinoth Kumar

For Respondent : Mr. A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Section 5,
Section 7(3) of Lotteries Regulation Act r/w Sections 294(A) of I.P.C,
in Crime No.960 of 2021, on the file of the respondent police, seeks
anticipatory bail.

2.The case of the prosecution is that the petitioners along with
other accused were involved in illegal selling of banned Lottery
Tickets. Hence the defacto complainant lodged a complaint before the
law enforcing agency.

3. The learned counsel appearing for the petitioners submits that
the petitioners are innocent persons and they have not committed any
offence as alleged by the prosecution. However, on instructions, the
learned counsel further submits that the petitioners, on their own



volition, is ready and willing to contribute a sum of Rs.10,000/- each to any Charitable Purpose as may be directed by this Court and he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submits that there is no previous case pending against the petitioners and further the trial Court grants bail to other accused persons. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioners are willfully and on their own volition agreed to contribute a sum of Rs.10,000/- each for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned XXI MM Court, Egmore on condition that the petitioners 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 petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) each to the Advocate Clerks Association, Madras High Court, Chennai, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and shall produce the said receipt before the Court below;

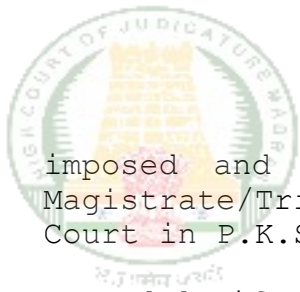
[b] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioners shall report before the respondent police daily at 10.30.a.m., until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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 has been



imposed and the petitioners is 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;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-
11/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XXI METROPOLITAN MAGISTRATE COURT,
EGMORE.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
P-3, VYASARPADI POLICE STATION (LAW AND ORDER),
VYASARPADI, CHENNAI - 600 039.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
MADRAS HIGH COURT, CHENNAI.

+1 CC to M/S. E.VINOTHKUMAR Advocate on payment of necessary charges SR.NO.508

CRL OP.512/2022

Date :11/01/2022

INBA~20/01/2022