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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM:

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

Crl.O.P.No.1477 of 2022

Meera @ Mappillai Meera ...Petitioner / A1

Vs.

State Rep. by
Inspector of Police,
Thiruvaroor Town Police Station,
Thiruvaroor District.
(Crime No.1210 of 2021) ... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.1210 of 2021 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.E.K.Kumaresan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 26.12.2021 for the offence under Sections 7(3) of Lotteries Regulations Act, 1998 and 420 of IPC, in Crime No.1210 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused involved in selling of online lottery tickets in Thiruvaroor city which is prohibited by the Tamil Nadu Government. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a Practicing Advocate and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that the petitioner has been suffering incarceration for more than 30 days from 26.12.2021. Hence, he would pray for grant of bail to the petitioner.

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4.The learned Additional Public Prosecutor appearing for the respondent would raise objection stating that all the accused viz., A1 to A8 have been arrested and the petitioner is arrayed as A1. He would further submit that mobile phones and laptops have been recovered from the accused but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall make non-refundable deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) through demand draft to the credit of Registered Advocates Clerks Association, Karur, without prejudice to his rights and contentions before the trial Court and on proof of such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Thiruvaroor District, within 15 days from the date of commencement of the Court’s normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police on every Saturday at 10.30a.m., until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
25/01/2022

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

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

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVAROOR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THIRUVAROOR TOWN POLICE STATION,
THIRUVAROOR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, NANNILAM,THIRUVAROOR DISTRICT.

6 THE REGISTERED
ADVOCATE CLERK ASSOCIATION, KARUR.

+2CC to M/S. E.K.KUMARESAN Advocate on payment of necessary charges SR.No.1120

CRL OP.1477/2022

Date :25/01/2022

CSK 27/01/2022

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