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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM:

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

Cr1.O.P.No.1861 of 2022

Srinivasan @ Seeni @ Udayan Seeni

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
Edappady Police Station,
Salem District.

(*) (Crime No.631 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in **(*)Crime No.631 of 2021**, on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor
(CRL.OP.NO.1861/2022)

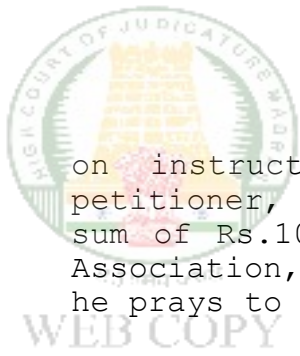
: M/S.L.BASKARAN,
Government Advocate (Cr1.Side)
(CRL.MP.NO.2134/2022)

ORDER

The petitioner, who apprehends arrest for the alleged offence under Sections 7(1) (3) of Lotteries Regulation Act r/w 420 of IPC, in **(*)Crime No.631 of 2021** on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused person was found selling banned lottery tickets. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However,



on instructions, the learned counsel further submits that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- to the credit of the Registered Advocates Clerks Association, Salem District that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that petitioner along with other accused person was found selling banned lottery tickets. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

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 petitioner has willfully and on his own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on their 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 District Munsif cum Judicial Magistrate, Edapadi, on condition that the petitioner 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a)the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the Registered Advocate Clerks Association, Salem District, 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 petitioner shall report before the respondent police every Tuesday at 10.30 a.m., for a period of four weeks and thereafter as and when required for an interrogation;

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



(e) the petitioner 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 petitioner in accordance with law as if the conditions has 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]; and;

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

-sd/-
28/01/2022

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.

[*]Amended as per order of this court dated 28.02.2022 made in Crl.MP.NO.2134/2022 in Crl.O.P.No. 1861/2022

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, EDAPADI,
SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
EDAPPADY POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE REGISTERED ADVOCATE
CLERKS ASSOCIATION, SALEM DISTRICT.

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+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO.3031

CRL OP.1861/2022

Date :28/01/2022

RW 02/02/2022

RW 08/03/2022