



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.2550 of 2022

Selvam

... Petitioner

Versus

State by
The Inspector of Police,
Madurantakam Police Station,
Chengalpattu District.
(Crime No.13 of 2022)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest by the respondent police in respect of the Crime No.13 of 2022 on the file of the Inspector of Police, Madurantakam Police Station pending investigation.

For Petitioner : Mr.A.Vinoth Kumar

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 7(3) of Lotteries Regulation Act, 1998 in Crime No.13 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 08.01.2022 on receipt of secret information by Sub Inspector of Police through mobile that 2 persons are selling lottery ticket in near Madurantakam Theredi, the said information was conveyed to the Inspector of Police and got permission to conduct raid. At 3.00 P.M to take action on the information, left the police station with the equipment required to seize the lottery ticket along with the police station. The lottery tickers are seized from kumar and Rs.200 was recovered. When the public called for witness to test them, none of them came forward to be witnesses, so police constable 329 Mr.Subash Chandra Bose and 879 Mr.Ram Kumar who were kept as witnesses. Confession statement was



recorded from 2 accused and while tried to come to the station with the seized property. Hence this case.

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. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that 3 previous cases pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, 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 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 Judicial Magistrate Court No.I, Madurantakam, Chengalpattu District, 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 credit of the Registered Advocate Clerk Association, Chengalpattu District within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the petitioner 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.

[c] the petitioner is directed to report before the respondent police on every Sunday at 10.30 a.m., until further orders;

[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 have been imposed and the petitioner released on anticipatory 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

04/02/2022

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 JUDICIAL MAGISTRATE,
NO.I, MADURANTAKAM, CHENGALPATTU DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MADURANTHAGAM POLICE STATION,
CHENGALPATTU DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED
ADVOCATE CLERK ASSOCIATION,
CHENGALPATTU DISTRICT.

+1CC to M/S.A.VINOTH KUMAR Advocate on payment of necessary charges SR.No.1920

CRL OP.2550/2022

Date :04/02/2022

CSK 10/02/2022