



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Tenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3229 of 2022

1 ARUNKUMAR

[PETITIONERS / ACCUSED]

2 KANNAN

Vs

THE STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
THAMMAMPATTI POLICE STATION,
SALEM DISTRICT.
(CRIME NO.25 OF 2022)

For Petitioner : M/S.N.UMAPATHI Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections 7(1), 7(3) of Lotteries (Regulation) Act, 1998 and Section 420 of Indian Penal Code, in Crime No.25 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were found in possession of printed lottery tickets, which was banned by the Tamil Nadu Government. Hence the complaint was registered by the Law Enforcing Agency.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any such offences as alleged by the prosecution. He would further submit that based on a confession statement given by the main accused viz. A1, the petitioners apprehend arrest. Hence, he prays for grant of Anticipatory Bail to the petitioners.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the investigation is pending. However, he admits that based on the confession statement given by the main accused, a case has been registered against these petitioners. However, he opposed for the grant of anticipatory bail to the petitioners.

5. The submissions made by the learned Counsels appearing on either side are considered. Admittedly, the banned lottery tickets are all recovered through the first accused. Hence, custodial interrogation of the petitioners may not be necessary for completing the investigation.

6.Taking all the above said aspects into consideration and having regard to the nature of offence committed by these petitioners, this Court is inclined to grant anticipatory bail to the petitioners..

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate No.II, Attur on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each, 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 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;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days and thereafter as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e) 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 have been imposed and the petitioners 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;



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

WEB COPY

-sd/-

10/02/2022

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.2, ATTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.N.UMAPATHI Advocate on payment of necessary charges
SR.No.2177

CRL OP.3229/2022

Date :10/02/2022

CSK 16/02/2022