



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Fifteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3583 of 2022

SURESH

[PETITIONER / ACCUSED]

Vs

STATE REP BY ITS:

THE INSPECTOR OF POLICE

KELAMANGALAM POLICE STATION,

KRISHNAGIRI DISTRICT.

CRIME NO.22 OF 2022

[RESPONDENT]

For Petitioner : M/S M.P.SARAVANAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under sections 12 Tamil Nadu Gaming Act and 353 of IPC, in Crime No.22 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner who is arrayed as Accused No.1, during the relevant point of time, joined with other accused involved in gambling act by playing cards. Hence the complaint was registered by the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that in order to celebrate the Pongal festival, petitioner along with other accused are assembled together. In otherwise, they have not participated in the alleged occurrence, as alleged by the prosecution. Hence, he pleads for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police raised objections stating that investigation is pending. However, he admits that the property which was used for the commission of offence have been recovered by the respondent police.

5. The submissions made by the learned Counsel on either sides are considered.

6.The respondent police registered the case against the petitioner under sections 12 Tamil Nadu Gaming Act and 353 of IPC for playing cards. The amount which was used during the relevant point of time are all recovered by the respondent police. Hence, custodial interrogation of the petitioner may not be necessary for completing the investigation.

7. Taking note of all the above said aspects into consideration and having regard to the nature of offence committed by the petitioner, this Court inclined to grant anticipatory bail to the petitioner.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned District Munsif cum Judicial Magistrate, Denkanikottai on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioner and the sureties shall affix his 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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of fifteen(15) days and thereafter as and when required;

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

(d)the petitioner 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 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]; and;

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

-sd/-

15/02/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, DENKANIKOTTAI,
KRISHNAGIRI DISTRICT.

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

3 THE INSPECTOR OF POLICE
KELAMANGALAM POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.3583/2022

Date :15/02/2022

RW 21/02/2022