



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Nineteenth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8770 of 2022

MARIYAPPAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY ITS
THE INSPECTOR OF POLICE
CHIDAMBARAM TOWN POLICE STATION,
CUDDALORE DISTRICT.
(CRIME NO.298 OF 2022)

[RESPONDENT]

For Petitioner : M/S.S.T.RAJA 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 petitioner, who apprehends arrest for the alleged offence under Sections 5 and 7(3) of Lottery regulation Act, 1998 in Crime No.298 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. Based on the confession statement given by one arrested accused the petitioner has been arrayed as accused. As per the prosecution, 5 banned lottery tickets has seized from one Murugan, based on his confession they have come to know that banned lottery ticket was supplied to the arrested accused by this petitioner.

3. The learned Government Advocate (Crl. Side) while opposing anticipatory bail states that this petitioner is having 20 previous cases of similar nature.

4. The learned counsel for the petitioner states that out of 20 cases 15 cases ended in acquittal and 5 cases are pending for trial.



5. Taking note of the previous antecedents, since number of banned tickets is only 5 and it was recovered from the co-accused and not from this petitioner.

6. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Chidambaram, 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 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before the Investigating Officer daily at 10.30 a.m. for a period of 30 days from the date of receipt of the order copy;

(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 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;

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

-sd/-

19/04/2022

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, CHIDAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
CHIDAMBARAM TOWN POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.OM SAI RAM Advocate on payment of necessary charges
SR.No.5930

CRL OP.8770/2022

Date :19/04/2022

CSK 22/04/2022