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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRIMINAL ORIGINAL PETITION No.12874 of 2022

RAVI SANKAR [PETITIONER / ACCUSED]

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
H-8 THIRUVOTTIYUR POLICE STATION,
THIRUVALLUR DISTRICT
CRIME NO.449/2022

For Petitioner : M/S.M.MOHAMED RIYAS Advocate

For Respondent : MR. A.GOKULAKRISHNAN, Additional Public Prosecutor
Assisted by M/S.J.R.ARCHANA, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b) and 506(ii) of I.P.C and Section 7(3) of Lotteries Regulation Act in Crime No.449 of 2022 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused have indulged in the sale of lottery tickets illegally and when the same was questioned by the de facto complainant, the petitioner along with other accused abused the de facto complainant in filthy language and threatened him with dire consequences.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent and he is in no way connected with the alleged occurrence. Hence, he prays for granting of anticipatory bail to the petitioner.

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4. The learned Additional Public Prosecutor appearing for the respondent submitted that while the petitioner along with other accused were selling the Lottery tickets, the de facto complainant prevented them. Hence, the petitioner along with the other accused abused the de facto complainant in filthy language and threatened him with dire consequences. He further submitted that there is no previous case as against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel on either side and the fact that there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Thiruvottiyur, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police as and when required.

[c] the petitioner shall not tamper with the 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].

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

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7.With the above directions, this Criminal Original Petition is ordered.

-sd/-
01/06/2022

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.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVOTTIYUR.

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

3 THE INSPECTOR OF POLICE,
H-8 THIRUVOTTIYUR POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.MOHAMED RIYAS Advocate on payment of necessary charges SR.NO. 8324

CRL OP.12874/2022

Date :01/06/2022

RW-02/06/2022

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