



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.18745 of 2022

Selvam @ Thattukara Selvam

.. Petitioner

Vs.

State rep.by its
Inspector of Police,
Kondalampatti Police Station,
Salem.
(Crime No.324 of 2022)

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C
praying to enlarge the petitioner on bail relating to Crime No.324 of 2022
on the file of the respondent police.

For Petitioner : Mr.R.Rajan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



ORDER

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The petitioner herein was arrested on 28.06.2022 for the alleged offences under Sections 341, 294(b), 420, 506(ii), 392, 397 IPC and 7(1) & 7(3) of Lotteries Regulation Act, 1988 in Crime No.324 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner who is a habitual offender of selling banned lottery, had compelled the defacto complainant to buy the lottery and when he refused, he showed knife and robbed a sum of Rs.1,100/-. Out of Rs.1,100/-, Rs.500/- been recovered from the accused. Since the petitioner is in prison for nearly 40 days, just because this petitioner being habitual banned lottery seller had come to the adverse notice on 17 earlier occasions that may not be a reason to deny bail. Since out of Rs.1,100/- alleged to have been robbed, they have already recovered Rs.500/- from him.



3. Considering the fact that the respondent-police have already recovered Rs.500/- from the accused, this Court is inclined to grant bail to the petitioner under Section 167(2) of Cr.P.C., with certain conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) 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 Judicial Magistrate-V, Salem.

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 Investigating Officer as and when required;**

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



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(e) on breach of any of the aforesaid conditions, the learned Judicial 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 229A IPC.

08.08.2022

AT

To

1.The Judicial Magistrate-V, Salem.

2.The Inspector of Police,
Kondalampatti Police Station,
Salem.

3.The Superintendent of Prison,
Central Prison, Salem.

4.The Public Prosecutor,
High Court, Madras.

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Dr.G.JAYACHANDRAN,J.

AT

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