



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3752 of 2022

Siva ... Petitioner/Accused No.2
Vs

The State Rep by,
The Inspector of Police,
Somarasampet Police Station,
Trichy District. ... Respondent/Complainant

For Petitioner : Mr.M.Suresh, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For anticipatory bail in Crime No.73 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5 and 7 (3) of Lotteries Regulation Act, 1998, in Crime No.73 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have sold the prohibited lottery ticket. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner's earlier application for anticipatory bail for similar offence came up before this Court on 18.02.2022 in Crl.O.P.(MD) No.3460 of 2022, that the prosecution has not disputed about the case registered in Crime No.73 of 2022 on 16.02.2022 and that on the basis of the confession alleged to have been taken from the first accused, the petitioner was implicated in this case.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the property has been recovered.

5.Considering the nature of charges levelled against the petitioner and also the fact that this Court has already granted anticipatory bail to the petitioner in counter case in Crime No.53 of 2022 on the file of the same police station, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Trichy, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(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/-

24/02/2022

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.V,
TRICHY.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
SOMARASAMPET POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADRURAI.

ORDER

IN

CRL OP(MD) No.3752 of 2022

Date :24/02/2022

PKP/SBN/SAR-4/04.03.2022/3P/5C