



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/05/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.8990 of 2022

Raman

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Othakkadai Police Station,
Madurai District.
(Crime No.136/2022).

... Respondent/Complainant

For Petitioner : M/s.Mahendrapathy.S,
Advocate.
For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory bail in Crime No.136/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 5 and 7(3) of Lotteries Regulation Act, 1998, in Cr.No.136 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the *defacto* complainant and his parties have conducted search on suspicion and found that the accused persons were found in possession of Lottery tickets and the respondent police had recovered the lottery tickets and amount from the accused persons. Hence, the law enforcing agency registered a case against the petitioner and the other accused person.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioner is ready to deposit any amount that may be imposed by this Court.

4.The learned Government Advocate (Crl. side) would submit that the property has been recovered and no previous case is pending against the petitioner.



5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the entire contraband was seized by the respondent police, this Court is inclined to grant anticipatory bail to the petitioner with certain 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, Melur, 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 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 is directed to pay a sum of Rs.10,000/- (Rupees Ten thousand only) by way of Demand Draft in favour of **"The Government Girls Higher Secondary School, Samayanallur"** to utilise the same for the purpose of **"Napkin Vending Machine"**, without prejudice to his rights and contentions before the trial Court and on production of such demand draft, the learned Magistrate shall accept the sureties furnished by the petitioner.
- c) the petitioner shall report before the respondent police daily at 10.00 a.m. for a period of two weeks and thereafter, as and when required for interrogation;
- d) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- e) the petitioner shall not abscond either during investigation or trial;
- f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;
- g) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

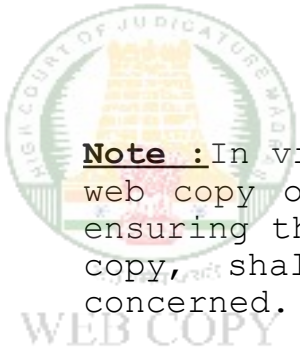
sd/-

11/05/2022

/ TRUE COPY /

12/05/2022

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
MELUR, MADURAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
OTHAKKADAI POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE HEAD MASTER,
GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL,
SAMAYANALLUR.

+1. CC to M/S.MAHENDRAPATHY.S., Advocate SR.No.4568

ORDER

IN

CRL OP(MD) No.8990 of 2022

Date :11/05/2022

SA/VR/SAR.4/12.05.2022/3P/7C