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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 05.07.2022

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

**CRL OP(MD) . No.11437 of 2022**

A.Manikandan

... Petitioner/Accused No.1

Vs

State rep.by  
The Inspector of Police,  
Puliyarai Police Station,  
Tenkasi.  
(Crime No.135 of 2022)

... Respondent/Complainant

For Petitioner : Mr.R.Ramasamy, Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,  
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.135 of 2022 on the file of the Respondent police.

**ORDER :** The Court made the following order :-

The petitioner/A.1, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 7(3) of Lotteries Regulation Act, 1998, in Crime No.135 of 2022, on the file of the respondent police, seeks anticipatory bail.

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

3.The learned Additional Public Prosecutor would submit that the petitioner is having 6 previous cases for similar offence and the same were disposed of, as the petitioner has pleaded guilty.



4.The learned counsel for the petitioner would submit that all the cases were prior to the year 2019 and there is no pending case against the petitioner for similar offence.

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5.Considering the above facts and circumstances of the case and also the facts that property has been recovered and that the petitioner is not having any pending cases for similar offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Shencottai.

7.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Shencottai, 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 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 Aadhaar card or bank pass book to ensure their identity.

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

[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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Sd/-  
05/07/2022

/ /2022  
Sub-Assistant Registrar (C.S.I)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

CSM

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

COPY TO:

THE OFFICER INCHARGE,  
CHIEF MINISTER PUBLIC RELIEF FUND,  
SECRETARIAT, CHENNAI-9.

+1. CC to M/S.RAMASAMY R Advocate SR.No.6568

ORDER  
IN  
CRL OP (MD) No.11437 of 2022  
Date :05/07/2022