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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17656 of 2022

1. Samsukani

2. Riyas Muhammed,
(In FIR It Has Been Mentioned as Modern Bakery)

3. Gnaeshwaran,
(In FIR It Has Been Mentioned as Srikamadhenu Agency)

4. Balakarishnan,
(In FIR It Has Been Mentioned as Srikumaran Agency)

5. Chellapandi ... Petitioners No.1 to 5 /
Accused Nos.3,5,7,8 & 18

Vs

The State rep. by
The Inspector of Police,
Kumuli Police Station, Theni District.
(Crime No.60/2022).

... Respondent/Complainant

For Petitioners : M/s.Vishnu.V,
Advocate.

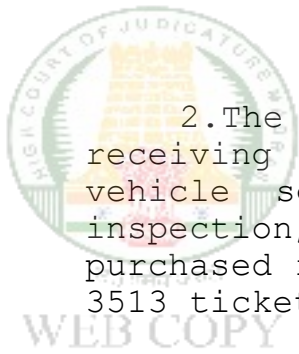
For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.60/2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
5 & 7(3) of Lotteries Regulation Act, 1998, in Crime No.60 of 2022,
seek anticipatory bail.



2.The case of the prosecution is that on 16.09.2019 on receiving a secret information, the respondent police conducted a vehicle search at Kumuli Hill road near a church. During inspection, A1 had voluntarily handed over the lottery tickets purchased from Kerala and based on his confession statement, totally 3513 tickets were seized from him. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the investigation is pending.

5.Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only)each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners 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] each petitioner shall deposit a sum of Rs.10,000/- as non refundable amount to the credit of Karthika Public Educational and Charitable Trust, SB A/c No.497663303, Indian Bank, Mayiladuthurai, Branch Code: 00165, IFSC Code:IDIB000M023.

(c) the petitioners shall report before the respondent police on every Sunday at 10.30 a.m., for a period of eight weeks.

[d]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioners 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 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].

sd/-
06/10/2022

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/10/2022

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

TO

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

COPY TO:

THE OFFICER INCHARGE,
KARTHIKA PUBLIC EDUCATIONAL AND CHARITABLE TRUST,
MAYILADUTHURAI.

ORDER
IN
CRL OP(MD) No.17656 of 2022
Date :06/10/2022

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MK/GB/SAR. /10.10.2022/3P/6C