



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

Date : 17/10/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.18456 of 2022

Benny Warkish

... Petitioner/Accused No.21

Vs

The State Rep. By,
The Inspector of Police,
Kumuli Police Station,
Theni District.
Cr.No.60/2022.

... Respondent/Complainant

For Petitioner : M/s.Banumathy A,
Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

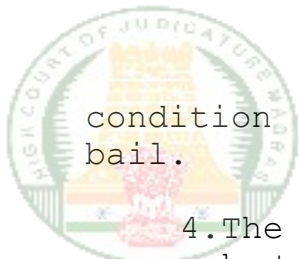
For Anticipatory Bail in Crime No.60/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5 and 7 (3) of Lotteries Regulation Act, in Crime No.60 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on receiving a secret information, the respondent police conducted a vehicle search at Kumuli Hill Road. During inspection, it was found that the person, namely, Soundaraja had banned lottery tickets. Thereafter, the respondent police searched the two wheeler and found that lot of lottery tickets were available, which was sent from Kerala to Tamil Nadu through courier service. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the Manager of the Professional Courier Service and he is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner shall abide any



condition imposed by this Court and he may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that totally 21 accused involved in this case and the petitioner is arrayed as 21st accused. He would further submit that co-accused were released on bail and anticipatory bail and the investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the charges levelled against the petitioner and also the fact that the co-accused were released on bail and anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) **to the credit of Headmistress, Panchayat Union Primary School, Madurai East (Account No.10111536270, IFSC Code: SBIN0002246, State Bank of India, Othakadai Branch, Madurai)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Uthamapalayam.

7.On production of such receipt/acknowledgment he 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, Uthamapalayam, 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 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 respondent police daily at 10.30 a.m., until further orders;

[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]**.



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[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/10/2022

/ TRUE COPY /

/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 HEADMISTRESS,
PANCHAYAT UNION PRIMARY SCHOOL,
MADURAI EAST, MADURAI.

+1 CC to M/s.A.BANUMATHY, Advocate (SR-11644[I] dated 19/10/2022)

ORDER
IN
CRL OP(MD) No.18456 of 2022
Date :17/10/2022

cp
USK/SBN/SAR- /27.10.2022/3P/7C