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CRL OP(MD). N



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

Date : 09/11/2022

PRESENT

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

CRL OP(MD). No.19817 of 2022

Veerappan

... Petitioner/2nd Accused

Vs

The State represented by
The Sub Inspector of Police,
Karaikudi North Police Station,
Karaikudi,
Sivagangai District.
Cr.No.341/2022.

... Respondent/Complainant

For Petitioner : M/s.Shanmugaraj V 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. 341/2022 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, 1998, in Crime No.341 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on receiving a secret information, the respondent police conducted search in the accused's petty shop. During inspection, it was found that the person, namely, Dhamayanthi and her husband Veerappan had banned lottery tickets and sold the same to the public. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and also submitted that this Court already granted anticipatory bail to the co-accused. He would further submit that the petitioner shall abide any condition imposed by this Court and

<https://www.mca.gov.in/dis> granted anticipatory bail.



4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that totally 3 accused involved in this case and the petitioner is arrayed as 2nd 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 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, Karaikudi, 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]**.

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

sd/-

09/11/2022

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/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE
KARAIKUDI.

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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT

3 THE SUB INSPECTOR OF POLICE
KARAIKUDI NORTH POLICE STATION, KARAIKUDI,
SIVAGANGAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SHANMUGARAJ V A Advocate SR.No.12770

ORDER

IN

CRL OP(MD) No.19817 of 2022

Date :09/11/2022

SS/SSS/SAR III/17.11.2022/ 3P/ 6C