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

Date : 29/11/2022

PRESENT

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

CRL OP(MD) . No.21079 of 2022

Gopi @ Gopinath

... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
(Crime No.296 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar C, Advocate

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

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

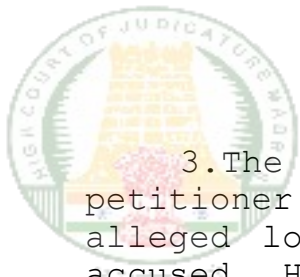
PRAYER :-

For Anticipatory Bail in Crime No.296 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 7(1) and 7(3) of Tamilnadu Lotteries Regulation Act 1998, in Crime No.296 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 28.08.2022, the petitioner and other accused were found in possession of prohibited Lottery tickets, worth about Rs.2,79,150/-. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is not at all present in the scene of occurrence and the alleged lottery tickets were recovered from the first and second accused. He would further submit that the petitioner was granted anticipatory bail before the Principal Sessions Judge, Dindigul, in Cr.M.P(MD) No.2973 of 2022, dated 12.09.2022, with certain condition. Due to ill-health, the petitioner is unable to report before the respondent police. In the meantime, the respondent police moved the cancellation of anticipatory bail application in CrI.M.P.No.4082 of 2022 and the same was allowed. Further, the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and co-accused were already released on bail. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that earlier the petitioner moved an anticipatory bail application before the Principal Sessions Judge, Dindigul, in Cr.M.P(MD) No.2973 of 2022 and the same was allowed on 12.09.2022 with certain conditions. Due to non-compliance of the condition, the respondent police moved cancellation of anticipatory bail application in CrI.M.P.No.4082 of 2022 and the same was allowed. He would further submit that the petitioner is having one previous case of similar in nature and 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 nature of offence and also the fact that co-accused were released on 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, Veda sandur, 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/-

29/11/2022

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/12/2022

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

cp

TO

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

ORDER

IN

CRL OP(MD) No.21079 of 2022

Date :29/11/2022