



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 22.12.2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL.O.P (MD) .No.22408 of 2022

1.Soosai
2.Arun Prasath

... Petitioners/Accused No.1&2

Vs

The State Rep. by,
The Inspector of Police,
Palakkarai Police Station,
Trichy City.
Crime No.1290 of 2022.

... Respondent/Complainant

For Petitioners : Mr.K.M.Karunakaran

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.1290 of 2022 on the file of the Respondent Police.

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.12.2022 for the offence punishable under Sections 420, 392 r/w 397 of IPC and Sections 5 and 7(3) of Lotteries Regulation Act, 1998, in Crime No.1290 of 2022 on the file of the respondent Police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, is that he had purchased lottery ticket from the accused and when the de-facto complainant asked the petitioners for prize amount, they have threatened him and robbed an amount of Rs.3,000/- from him. Hence, the complaint.

3.The learned Counsel appearing for the petitioners would submit that the petitioners are innocent and a false complaint has been given. He would further submit that there is a dispute between



the petitioners and the respondent Police and thereby, a false case has been registered against them. He would further submit that the petitioners are in custody from 11.12.2022 and each of the petitioners has got one previous case.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners have sold duplicate lottery ticket to the de-facto complainant and when the de-facto complainant asked the petitioners for prize amount, they assaulted the de-facto complainant and robbed an amount of Rs.3,000/- from him. He would also submit that each of the petitioners has got one previous case.

5.Heard. Perused the materials available on record.

6.Taking into consideration of the facts and submissions made by the learned Counsels and that the petitioners are in judicial custody from 11.12.2022, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to 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 Judicial Magistrate No.5, Trichy District, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];



(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/12/2022

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22/12/2022

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

CMR

TO

1. THE JUDICIAL MAGISTRATE NO.5,
TRICHY.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
PALAKKARAI POLICE STATION,
TRICHY CITY.
4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.KARUNAKARAN K.M., Advocate (SR-15376[I] dated
22/12/2022)

ORDER
IN
CRL OP (MD) No.22408 of 2022
Date :22/12/2022

USK/VR/SAR-I/22.12.2022/3P/7C