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Crl.O.P(MD).N



22

1BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/12/2022

PRESENT

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

CRL OP(MD) . Nos.22840 and 22827 of 2022

Palanimurugan, ... Petitioner/Accused Rank Not known
in Crl.O.P(MD).No.22840 of 2022

Prabakar ... Petitioner/Accused No.3
in Crl.O.P(MD).No.22827 of 2022

Vs

State Rep.by
The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.
(Crime No.669/2022)

... Respondent/Complainant
in both cases

For Petitioners : M/s. Karkkikannan.S, Advocate
in CRL OP(MD)No.22840 of 2022

M/s.D.R.Murugesan, Advocate
in CRL OP(MD)No.22827 of 2022

For Respondent : Mr.K. Sanjai Gandhi,
Government Advocate (Crl.Side)
In Both Cases

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

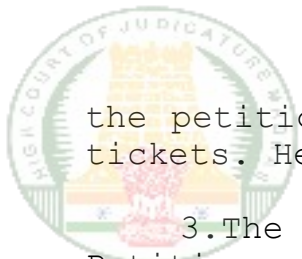
COMMON PRAYER :-

For Anticipatory Bail in Cr No.669/2022 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 offences punishable under Sections 5, 7(3)
of Lotteries Regulation Act, 1998 in Crime No.669 of 2022 on the
file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on receiving a secret
<https://www.mca21.com> the respondent police conducted raid and at that time,



the petitioners and other accused were found selling banned tickets. Hence, the complaint.

3.The learned Counsel for the Petitioners would submit that the Petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and thereby, he seeks anticipatory bail.

4.The learned Government Advocate (CrI. Side) would submit that the petitioners are habitual offenders and there is one previous case against each of the the petitioners. He further submitted that the investigation of the case is pending and hence, he opposes to grant anticipatory bail.

5. At this juncture, the learned counsel appearing for the petitioners would submit that the petitioners are ready and willing to deposit a sum of Rs.10,000/- to the credit of any one of the welfare scheme without prejudice to his contention and seeks bail.

6.Heard the learned counsels. Taking into consideration the facts and circumstances of the case and that they are ready and willing to deposit the amount, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, 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 on which the order copy made ready, before the Judicial Magistrate, Pattukkottai on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 Aadhar card or Bank pass Book to ensure their identity.

[b] petitioners are directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) each to the Madurai Bench of Madras High Court Advocate Welfare Fund, Indian Bank, High Court Branch (A/c.No. 7087208431), without prejudice to their rights and contentions before the trial Court.

[c] the petitioners shall report before the respondent police every day at 10.30 am until further orders.

[d] the petitioners shall not tamper with evidence or witness or interfere in any manner with the investigation or trial.



[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned 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]**.

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

sd/-
22/12/2022

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
ADIRAMPATTINAM POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,
ADVOCATE WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.22840 of 2022
Date :22/12/2022

PKP/VR/SAR-1/03.01.2023/3P/6C

<https://www.mhc.tn.gov.in/judis>