



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/12/2022

PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD). No.23303 of 2022

Tamilselvan

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur District.
Crime No. 668/2022.

... Respondent/Complainant

For Petitioner : M/s. Muthukamatchi.V, Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

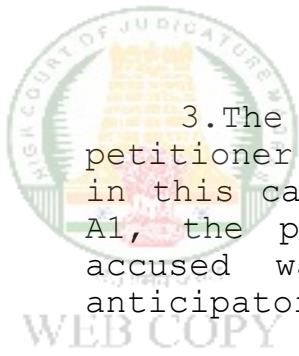
PRAYER :-

For Anticipatory Bail in Crime No. 668 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 5 & 7(3) of Lotteries Regulation Act, 1998, in Crime No.668 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 15.12.2022, on receiving a secret information, the respondent police conducted search at Adiramapattian, Subramniyar Kovil Street, ECR Road and found that the first accused was in possession of illegal sale of lottery tickets. Hence, the complaint.



3.The learned counsel for the petitioners submitted the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that based on the confession of A1, the petitioner was roped as an accused and that the first accused was arrested and released on bail. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against the petitioner.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukottai 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 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 petitioner and 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;

(b)the petitioner shall report before the 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]*; and;



(f) if the accused/ petitioner thereafter absconds, a 1 [R
can be registered under Section 229-A IPC.

sd/-
28/12/2022

/ TRUE COPY /

WEB COPY

29/12/2022

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

RMI
TO

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

+1 CC to M/s.V.MUTHU KAMATCHI, Advocate (SR-15653[I]& 15668(I) dated
28/12/2022 & 29/12/2022)

ORDER
IN
CRL OP(MD) No.23303 of 2022
Date :28/12/2022

PKP/GB/SAR-3/29.12.2022/3P/7C