



Crl.O.P.No.5304 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.5304 of 2023

Mariyappan

.. Petitioner

Vs.

The State represented by,
The Inspector of Police,
Ananaikaranchathiram Police Station,
Nagapattinam District.

(Crime No.98 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime No.98
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.Om Sai Ram

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



Crl.O.P.No.5304 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.02.2023 for the offences under Sections 294(b), 341, 384, 506(ii), 307 of IPC r/w Sections 5 and 7(3) of Lotteries Act, in Crime No.98 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Prabhu is that while he was proceeding in his two wheeler along with his friend from Ayyanar Temple, Kollidam, he had found that some persons were selling lottery tickets in the middle of the road. When the defacto complainant requested the accused to give way to his two wheeler, the accused have abused him in a filthy language, threatened him with broken beer bottle to buy lottery tickets from him and also taken Rs.350/- from his pocket. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he has got few previous cases of similar nature. He further submitted that the petitioner is in custody from 17.02.2023, hence, he prayed to grant bail to the petitioner.



Crl.O.P.No.5304 of 2023

WEB COPY

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner along with other accused waylaid the defacto complainant, abused him in a filthy language and threatened him with broken beer bottle to buy lotter tickets and also taken Rs.350/- from his pocket. He further submitted that 69 previous cases similar in nature are pending as against the petitioner. Therefore, he opposed to grant bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.50,000/- as non- refundable deposit to any welfare scheme of the Government or to any shelter home and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

6. Heard the learned Counsel for the petitioners and the learned Additional Public Prosecutor and perused the materials available on record.



Crl.O.P.No.5304 of 2023

WEB COPY

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non refundable deposit to the credit of "**Gulf of Mannar, Biosphere Reserve Trust**", without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and the period of incarceration undergone by the petitioner and also taking note of the fact that the petitioner has prepared to deposit Rs.50,000/- to the credit of **Gulf of Mannar, Biosphere Reserve Trust**, this Court is inclined to grant bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is directed to **deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non refundable deposit by**



Crl.O.P.No.5304 of 2023

WEB COPY

way of RTGS/NEFT to the "Gulf of Mannar, Biosphere Reserve Trust, (State Bank of India) Ramnad Branch, A/c No.33658054216, IFSC Code: SBIN0000908,", without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing 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, Sirkazhi** and on further conditions that:

[a] 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] the petitioner shall report before the respondent Police, daily twice at 10.30 a.m and 5.30 p.m., until further orders ;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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



WEB COPY



Crl.O.P.No.5304 of 2023

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 abscond, a fresh FIR can be registered under Section 229A IPC.

16.03.2023

vkrr

To

- 1.The Judicial Magistrate,
Sirkazhi.
- 2.The Inspector of Police,
Ananaikaranchathiram Police Station,
Nagapattinam District.
- 3.The Sub Jail,
Sirkazhi.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.5304 of 2023

A.D.JAGADISH CHANDIRA.,J.

vk

Crl.O.P.No.5304 of 2023

16.03.2023