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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/01/2023

PRESENT

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

CRL OP(MD) . No.1341 of 2023

Selvaraj

... Petitioner/2nd Accused

Vs

State Rep.by
The Inspector of Police,
Nagudi Police Station,
Pudukottai District.
(Crime No.242 of 2022).

... Respondent/Complainant

For Petitioner : M/s.T.Lenin Kumar, Advocate
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.242 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 5 and 7(3) of Lotteries Regulation Act, 1998, in Crime No.242 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons had found in possession of banned lottery tickets. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence, as alleged by the prosecution. He would further submit that the petitioner is not having any previous case to his credit. Hence, prays to release him on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the accused persons were found in possession of banned lottery tickets. The petitioner is having one previous case in similar

<https://www.mhkt.org.in/judis>



nature to his credit. In this case, investigation is still going on and hence, prays to dismiss the petition.

5. In reply, the learned counsel for the petitioner submitted that he is innocent and to show his *bona fide*, he is ready to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) in any Welfare Scheme running at Madurai Bench of Madras High Court. Hence, prays to release him on anticipatory bail.

6. Heard both sides. Taking into consideration the facts and circumstances of the case and considering the readiness of the petitioner to deposit amount in any Welfare Scheme, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7. Accordingly, the petitioner shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of the **Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai Bench of Madras High Court, Madurai, Current Account No.7087208431, IFSC IDIBI000H040]**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Magistrate concerned.

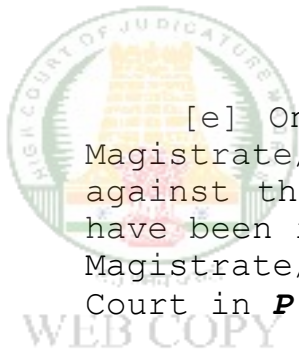
8. On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Aranthangi**, on condition that the 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 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 everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with 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 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 229A IPC.

sd/-

24/01/2023

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/02/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE, ARANTHANGI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE, NAGUDI POLICE STATION,
PUDUKOTTAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

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

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-1131[I] dated 25/01/2023)

ORDER

IN

CRL OP(MD) No.1341 of 2023

Date :24/01/2023

RS/SAR.4(10.02.2023) 3P-7C