



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

PRESENT

WEB COPY

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

CRL.O.P (MD) No.2103 of 2023

Mariyappan @ Marisamy

...Petitioner/Sole Accused

-vs-

The Inspector of Police,
Sankarankovil Town Police Station,
Tenkasi District.
(in Cr.No.42 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.42 of 2023.

For Petitioner

: Mr.S.Selvakumar,
Advocate

For Respondent

: Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b) and 353 of IPC r/w Section 7(3) of Tamil Nadu Lotteries (Regulation) Act in Crime No.42 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that when the petitioner selling banned lottery tickets without permission, the respondent police questioned him and at that time, the petitioner has abused the respondent police in filthy language and also prevented them from discharging their official duty. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that petitioner has not committed any offence, as alleged by the prosecution. He would also submit that the petitioner is ready to abide by any stringent conditions, that may



be imposed on him. Hence, he would pray for anticipatory bail to the petitioner.

4.The learned Government Advocate (crl.side) would submit that when the petitioner selling banned lottery tickets without permission, the respondent police questioned him and at that time, the petitioner has abused the respondent police in filthy language and also prevented them from discharging their official duty. He would also submit that the petitioner has no previous case pending against him. He would object for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, 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 Court, Sankarankovil, Tenkasi District, 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 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]**.



CRL.O.P(MD)



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[f] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

sd/-
02/02/2023

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

CMR

TO

- 1 JUDICIAL MAGISTRATE,
SANKARANKOVIL,
TENKASI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SANKARANKOVIL TOWN POLICE STATION,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SELVAKUMAR. S. Advocate SR.No.1861(I)

ORDER
IN
CRL OP(MD) No.2103 of 2023
Date :02/02/2023

NA/VR/SAR-4/09.02.2023/3P/6C