



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

PRESENT

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

CRL.O.P(MD)No.2137 of 2023

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Selvam

...Petitioner/Accused No.4

-vs-

The State represented by
The Inspector of Police,
Natham Police Station,
Dindigul District.
(in Cr.No.446 of 2022)

...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.446 of 2022.

For Petitioner : Mr.S.Sarvagan Prabhu, Advocate

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 7(3) of Lotteries Regulation Act, 1998 IPC in Crime No.446 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 17.12.2022, on a regular check up, the respondent police found that the accused persons have illegally selling the banned lotteries with the aide of the petitioner. Hence, the complaint.

3.The learned Counsel for the petitioner 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 on 17.12.2022, on a regular check up, the respondent police found



that the accused persons have illegally selling the banned . as with the aide of the petitioner. He would also submit that the petitioner has got two previous case pending against him. Hence, he would object for grant of anticipatory bail to the petitioner.

5.At this juncture, the learned Counsel for the petitioner would submit that without prejudice to his rights and contentions, the petitioner is ready and willing to pay a sum of Rs.20,000/- to any welfare scheme.

6.Accordingly, the petitioner shall pay a sum of Rs.20,000/- to the credit of Madurai Bench of High Court Advocates Association (MBHAA), A/c.No.496038755, IFSC Code:IDB000H40, Branch-High Court, Madurai, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Natham, Dindigul District.

7.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.

8.On production of such receipt, 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, Natham, Dindigul 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., for a period of two weeks and thereafter, every Saturday at 10.30 am 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]**.



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

sd/-
02/02/2023

/ TRUE COPY /

/02/2023

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

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TO

1.THE JUDICIAL MAGISTRATE, NATHAM, DINDIGUL DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3.THE INSPECTOR OF POLICE,
NATHAM POLICE STATION,
DINDIGUL DISTRICT.

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

COPY TO

THE OFFICER IN CHARGE,
MADURAI BENCH OF HIGH COURT ADVOCATES ASSOCIATION (MBHAA),
MADURAI.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-1796[I] dated
03/02/2023)

ORDER
IN
CRL OP (MD) No.2137 of 2023
Date :02/02/2023

RK/VR/SAR-2 (09/02/2023) 3P/7C