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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 20/02/2023

PRESENT

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

CRL OP(MD) . No.3194 of 2023

Kumaresan ... Petitioner/Accused No.3
Vs

The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District.
Crime No.36 of 2023. ... Respondent/Complainant

For Petitioner : M/s.Murugesan D.R.,
Advocate.

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

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

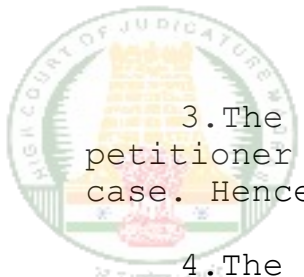
PRAYER :-

For Anticipatory Bail in Crime No.36 of 2023 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, 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.36 of 2023 on the
file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with
the other accused were found in illegal possession of banned lottery
tickets. Hence, the case.



3.The learned counsel for the petitioner would submit the petitioner is an innocent and he has been falsely implicated in this case. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent police would submit that the petitioner along with the other accused were found in illegal possession of banned lottery tickets and hence, he opposed to grant anticipatory bail. However, he would also submit that the petitioner has got no previous case pending against him.

5.Heard. Perused the materials available on record including the First Information Report.

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

7.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, Peravurani, 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, daily 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].



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

sd/-
20/02/2023

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/03/2023

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

sj i

TO

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

ORDER
IN
CRL OP(MD) No.3194 of 2023
Date : 20/02/2023

RK/BUC/SAR- 2 (02/03/2023) 3P/5C