



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/03/2023

PRESENT

WEB COPY

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

CRL OP(MD) . No.4091 of 2023

Neelaarani,
(Wrongly mention in FIR
Rani W/o. Devaraj)

... Petitioner/Accused No.2

Vs

The State Rep.by,
The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District
(Crime No.48 of 2023).

... Respondent/Complainant

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

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

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

PRAYER :-

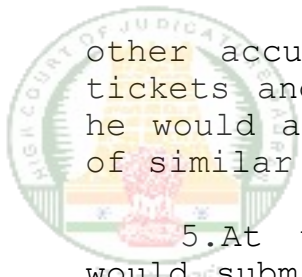
For Anticipatory Bail in Crime No.48 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends 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.48 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 that the petitioner is an innocent and she has been falsely implicated in this case. Hence, he would seek for anticipatory bail.



other accused were found in illegal possession of banned tickets and hence, he opposed to grant anticipatory bail. he would also submit that the petitioner has got one previous case of similar nature.

5. At this juncture, the learned counsel for the petitioner would submit that without prejudice to her rights and contentions, the petitioner is ready and willing to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the Dean, Thanjavur Medical College Hospital, Thanjavur.

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

7. Taking into consideration the facts and the submissions and that without prejudice to her defence, he is ready to deposit an amount of Rs.5,000/- to the credit of the Dean, Thanjavur Medical College & Hospital, Thanjavur, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

8. Accordingly, the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to "The Dean/Medical Officer, Thanjavur Medical College & Hospital, Thanjavur", without prejudice to her rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Peravurani. However, it is made clear that the deposit being made by the petitioner, would not amount of admission of guilt by her.

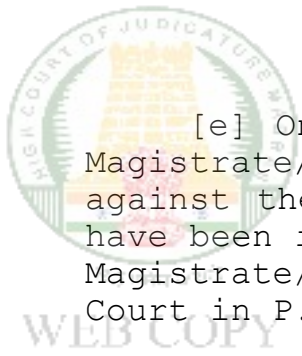
9. On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Peravurani, on condition that the petitioner 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].

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

sd/-
02/03/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

1. The Judicial Magistrate, Peravurani.
2. Do-Through The Chief Judicial Magistrate,
Thanjore District at Kumbakonam.
3. The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:
The Dean/Medical Officer, Thanjavur Medical College & Hospital,
Thanjavur.

ORDER
IN
CRL OP(MD) No.4091 of 2023
Date :02/03/2023

SI/SKN/SAR-2(15.03.2023) 3P/ 6C