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

Date : 28/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15586 of 2023

Pathamuthu

... Petitioner/Sole Accused

Vs

The State represented by  
The Sub Inspector of Police,  
Vanniyampatti Vilakku Police Station,  
Virudhunagar District.  
Crime No.132 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Marimuthu N,  
Advocate.

For Respondent : Mr.S.Ravi,  
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.132 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused who was arrested and remanded to judicial custody on 26.07.2023 for the offence punishable under Section 7(3) of Lotteries Regulation Act,1998 in Crime No.132 of 2023 on the file of the respondent Police, seek



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2. The learned counsel appearing for the petitioner would contend that the petitioner has not committed any offence as alleged by the respondent police and only for statistical purpose this case has been foisted against the petitioner. The petitioner was arrested and remanded to judicial custody on 26.07.2023 and he is still in judicial custody, hence he may be granted bail.

3. The learned Additional Public Prosecutor appearing for the respondent would contend that the petitioner was found in possession of banned lottery tickets and sale proceeds of Rs.1220/- and if he released on bail he will indulge in similar type of offences again and the offence is grave in nature, hence he strongly objected to grant bail to the petitioner.

4. Heard both side and perused the materials available on record.

5. Considering the rival submissions on either side and considering the nature of offence and period of incarceration and all other aspects, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Judicial Magistrate No.II, Srivilliputhur and on further conditions that:

[b] the petitioner shall report before the respondent police on every Monday at



10.00 am., for a period of four weeks and thereafter as and when required for  
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interrogation.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during  
investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial  
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].

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

sd/-

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28/08/2023

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

AAV  
TO

1 THE JUDICIAL MAGISTRATE NO.II  
SRIVILLIPUTHUR.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE,  
DISTRICT JAIL, VIRUDHUNAGAR.

4 THE SUB INSPECTOR OF POLICE  
VANNIYAMPATTI VILAKKU POLICE STATION,  
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.15586 of 2023

Date :28/08/2023

SS/28/08/2023/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023