



Crl.O.P.No.11596 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2024

CORAM

THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

Crl.O.P.No.11596 of 2024

Gandhi @ Gandhikrishnan

...Petitioner/Accused-3

Vs.

The State represented by
The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.

(Crime No.105 of 2024)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 438 of Cr.P.C., 1973 (Act No.2 of 1974), praying to grant an order of pre-arrest bail to the petitioner/Accused No.3 in Crime No.105 of 2024 on the file of the respondent police.

For Petitioner : Mr.P.Senthil

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed by the petitioner on 07.05.2024 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail.

2.The petitioner/accused-3, apprehends the arrest at the hands of the respondent police for the alleged offence punishable under Section 7(3) of Lottery Regulation Act, 1998 in Crime No.105 of 2024 on the file of the respondent police.

3.The case of the prosecution is that on 26.04.2024, when the respondent police were on surveillance duty near Babu Cool Bar shop at Arumbakkam, Rani Anna Nagar, the petitioner and other accused, on seeing the police, tried to escape; that however, the police caught them; and that on search, it was found that the accused were illegally selling banned lottery tickets and this petitioner was in possession of 4 numbers of banned lottery tickets. Hence, the case.



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4.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has no previous case against him and he has permanent residence and has deep roots in the Society and that he is ready to obey the condition if any imposed by this Court. Accordingly, he prayed to grant an order of pre-arrest bail to the petitioner.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally five accused in this case in which the petitioner is arrayed as A3. The petitioner and other accused were illegally selling banned lottery tickets and this petitioner was found in possession of 4 numbers of banned lottery tickets. He further submitted that the petitioner has no previous case against him. However, he prayed to dismiss the Criminal Original Petition.

6.Heard on both sides. This Court has perused the records.

7. Considering the fact that there is no previous case against the



petitioner and the petitioner has permanent residence and deep roots in the society and there is less possibility for absconding and in order to give an opportunity to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the V Metropolitan Magistrate, Egmore, Chennai, within a period of 15 days from today, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the V Metropolitan Magistrate, Egmore, Chennai.

(ii) The petitioner shall appear and sign before respondent Police, daily at 10.00 a.m., until further orders;

(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Metropolitan Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall make himself available for interrogation by police as and when required;

(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or



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to any police officer;

(vi) The petitioner shall not leave India without the prior permission of the Jurisdictional Metropolitan Magistrate Court/Trial Court; and

(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Judge is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

15.05.2024

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Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**



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2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.

To

1. V Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras.

R.SAKTHIVEL.J.,

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