



CRL OP(MD) No.4854 of 2024

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

Wednesday, the Twenty Seventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4854 of 2024

A.NADIYAN

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
ALANGUDI TOWN POLICE STATION,
PUDUKKOTTAI DISTRICT.
CR.NO.74/2024

... RESPONDENT/COMPLAINANT

For Petitioner : MR.K.SATHISH KUMAR Advocate

For Respondent : MR.S.MANIKANDAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO. 74/2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for
the alleged offence punishable under Sections 5 and 7(3) of the Lotteries Regulation
Act, 1998 in Crime No.74 of 2024, seeks anticipatory bail.



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2.The case of the prosecution is that the petitioner sold online lotteries illegally.
Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. However, the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.10,000/- to the Panchayat Union Primary School, Velapudaiyanpatti, Viralimalai, Pudukottai District for the welfare of the students. Hence, he prays for grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the petitioner is having four previous cases, which are similar in nature. Accordingly, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Alangudi 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



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satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) as per the undertaking given by the petitioner, the petitioner shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the Panchayat Union Primary School, Velapudaiyanpatti, Viralimalai, Pudukottai District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties; Thereafter, the Headmaster of the School shall spend the amount for the welfare of the students and file necessary proof before the learned Magistrate;

(b) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(f) the petitioner shall not abscond either during investigation or trial;

(g) 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]; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/03/2024

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/04/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ALANGUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE,
ALANGUDI TOWN POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

MADURAI

<https://www.hmc.tn.gov.in/judis>



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THE HEADMASTER / HEADMISTRESS,
PANCHAYAT UNION PRIMARY SCHOOL,
VELAPUDAIYANPATTI, VIRALIMALAI,
PUDUKOTTAI DISTRICT.

+1 CC to M/s.K.SATHISH KUMAR, Advocate (SR-3808[I] dated 27/03/2024)

ORDER

IN

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Date :27/03/2024

RS/JGB/SAR-(04.04.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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