



CRL OP(MD). No.22973 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/12/2024

PRESENT

The HONOURABLE MR. JUSTICE P. DHANABAL

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1. Mohamed Abuthahir @ Abuthahir,

2. Pakkiri Maideen,

... Petitioners/ Accused No.3 & 4

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
Crime No. 999/2024..

... Respondent/Complainant

For Petitioners : Mr.K.Arunraj,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 999 of 2024 on the file of the Respondent police.



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ORDER : The Court made the following order :-

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The petitioners/accused who apprehend arrest at the hands of the respondent police for the offences punishable under sections 318 (4) of BNS r/w Section 7 (3) of Lotteries Regulation Act, 1998, in Crime No. 999 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the respondent police received a secret information regarding selling of lotteries and went to the scene of occurrence. At that time, the first and second accused attempted to run away from the place with the lotteries. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and a false case has been foisted against them. Hence, he prayed this Court to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor(Cri.Side) appearing for the respondent would submit that the respondent police received a secret information regarding selling of lotteries and went to the scene of occurrence. At that time, the



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first and second accused attempted to run away from the place with the lotteries. He would further submit that the petitioners herein were added as accused based on the confession made by the first and second accused. Hence, he opposed to grant anticipatory bail to the petitioners.

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

6. Considering the rival submissions on either side, taking into consideration of the facts and circumstances of the case and also the fact that the only based on the confession statement of the co-accused, the petitioners have been included as accused in this case and also considering the fact that the first and second accused have already been released on anticipatory bail and no previous cases are pending against the petitioners, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned judicial Magistrate No.III, Thanjavur



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on condition that the petitioners 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 petitioners 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 petitioners shall report before the respondent Police, daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
27/12/2024

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/01/2025

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

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To

1. The Judicial Magistrate No.III, Thanjavur
2. Do-Through The Chief Judicial Magistrate,
Thanjore District @ Kumbakonam.
3. The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-15934[I] dated 27/12/2024)

ORDER
IN
CRL OP(MD) No.22973 of 2024
Date :27/12/2024

RK/SKN (03/01/2025) 5P / 6C

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