



Crl.O.P.No.15722 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Section 4(3) of TN Gambling Act read with Section 420 of IPC, in Crime No.62 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is having cotton betting habit. The defacto complainant went to cotton betting place wherein the petitioners have asked to pay Rs.7/- towards cotton betting and in return they will give Rs.700/-. Thereafter, the petitioners failed to return the money, thereby cheated the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Additional Public Prosecutor would submit that the petitioners have asked the defacto complainant to pay Rs.7/- towards cotton betting and in return they will give Rs.700/-, but they failed to return the money. He would further submit that the first petitioner is a habitual offender and he is having 9 previous cases against him and the second petitioner is an employee of the first accused. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the second petitioner alone with certain conditions.

6. Accordingly, as far as the first petitioner is concerned, this petition is dismissed and as far as the second petitioner is concerned, he 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 on which the order copy made ready, before the Judicial Magistrate No.IV, Vellore District, on condition that the second petitioner shall execute a bond for a



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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 second 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 second petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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]**.



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

11.07.2022

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