



Crl.O.P.No.16444 of 2022

Crl.O.P.No.16444 of 2022

WEB COPY

G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Section 7(3) of Lotteries Regulation Act, 1998 and Sections 294(b) and 506(2) of IPC, in Crime No.449 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that there are 5 accused in which the petitioner is arrayed as A5. It is alleged that A4 was selling lottery tickets in the bar. When the same was questioned by the defacto complainant, A4 abused him in filthy language and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Only based on the confession statement of the co-accused, the petitioner is arrayed as an accused. Therefore, he prays to grant anticipatory bail to the petitioner.



Crl.O.P.No.16444 of 2022

WEB COPY

4. The learned Additional Public Prosecutor would submit that the petitioner and other accused were selling banned lottery tickets at bar. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact 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 on which the order copy made ready, before the learned Judicial Magistrate, Thiruvottiyur, 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 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:



CrI.O.P.No.16444 of 2022

WEB COPY

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

[d] the 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 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]**.

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

15.07.2022

mn

G.K.ILANTHIRAIYAN, J.



WEB COPY



CrI.O.P.No.16444 of 2022

mn

CrI.O.P.No.16444 of 2022

15.07.2022