



Crl.OP.No.17562 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.17562 of 2022

1.Kesavan

2.Chelaldurai

...Petitioners

Vs.

State; rep. by the Inspector of Police,

Annadanapatty Police Station,

Salem District.

(Crime No.306 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in the Crime No.306 of 2022 on the file of the Inspector of Police, Annadanapatty Police Station, Salem District.

For petitioners : Mr.B.Vasudevan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 29.06.2022 for the offences punishable under Section 7(1), 7(3) of Lotteries Regulation Act 1998 and Sections 341, 395, 397, 506(2)



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& 420 of IPC in crime No.306 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that *de-facto* complainant used to purchase lottery tickets from the petitioners. On 28.06.2022, at 5.00 p.m., he bought lottery tickets from the petitioners near Dadagaoatty Angu Coffee Bar. As he got prize in the lottery draw, he demanded prize from the petitioners on 29.06.2022. It is alleged that the petitioners threatened the *de-facto* complainant at knife point and forcible took Rs.3,220/- from his shirt pocket. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners. He would also submit that the petitioners were arrested and remanded to judicial custody on 29.06.2022. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the 1st petitioner has seven previous cases of similar nature pending



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against him and the 2nd petitioner has no previous case pending against him.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners from the date of their arrest i.e.29.06.2022, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 **learned Judicial Magistrate No.IV, Salem**, and on further conditions that:

[a] 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 stay at Guduvancheri and report before the Inspector of Police, Guduvancheri Police Station twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m., for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation



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or trial.

[d] the petitioners shall not tamper with evidence or witness 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]**.

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

27.07.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate No.IV, Salem.
- 2.The Inspector of Police,
Annadanapatty Police Station,
Salem District.
- 3.Central Jail,
Salem.
- 4.The Public Prosecutor,
High Court of Madras

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