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Crl.O.P.No.18205 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2022

CORAM

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

Crl.O.P.No.18205 of 2022

1.Gunasekaran
2.Kailash
3.Karthick
4.Siddewaran
5.Settu @ Periyasamy

...Petitioners

Vs.

State rep. by
The Inspector of Police,
Annadanapatty Police Station,
Salem District.
Crime No.304 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail pending investigation in Crime
No.304 of 2022 on the file of the respondent.

For Petitioners : Mr.B.Vasudevan

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



Crl.O.P.No.18205 of 2022

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 28.06.2022 for the offences punishable under Sections 7(1)(7)(3) of Lotteries Regulation Act, 1998 and Sections 341, 395, 397, 506(2) & 420 IPC in Crime No.304 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, the first accused is said to have sold banned lottery tickets to the defacto complainant. It is alleged that the defacto complainant did not win the lottery and hence, he demanded the accused persons to return the money. It is alleged that the petitioners along with other accused, at a knife point, snatched a sum of Rs.4,100 along with one sovereign of gold chain and a cellphone from the defacto complainant. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submit that the petitioners are in Judicial Custody from 28.06.2022. onwards. Hence, he has prayed for



Crl.O.P.No.18205 of 2022

grant of bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the defacto complainant purchased a lottery ticket from the first accused person and refused to repay the amount. Thereafter, at a knife point, snatched a sum of Rs.4,100 along with one sovereign of gold chain and a cellphone from the defacto complainant.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioners from the date of arrest ie., from 28.06.2022, this Court is inclined to grant bail to the petitioners

6. Accordingly, the petitioners are ordered to be released on bail on their executing 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 learned Judicial Magistrate No.IV Salem and on further conditions that:



Crl.O.P.No.18205 of 2022

[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 report before the respondent police twice daily at 10.30.a.m., and 04.30.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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

03.08.2022

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Crl.O.P.No.18205 of 2022

WEB COPY

To

1. 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



WEB COPY



Crl.O.P.No.18205 of 2022

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.18205 of 2022

03.08.2022