



Crl.O.P.No.21321 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 7(3) of Lotteries Regulation Act, 1998 in Crime No.215 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with the other accused was found selling banned lotteries of the other State. Based on the confession of the arrested accused, it is seen that the petitioner is the owner and the arrested accused is working as daily wages and also a sum of Rs.100/- was recovered and a sum of Rs.100/- worth banned lottery tickets were also recovered from the arrested accused. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, since he was standing near the arrested accused. He would also



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submit that there are no previous cases pending as against the petitioner.

Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner along with the other accused were found to sell the banned lottery tickets and on seeing the police, the petitioner ran away and the other accused was arrested and from him a sum of Rs.100/- was recovered and also a sum of Rs.100/- worth lottery tickets were recovered. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;



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7. 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, Uthangarai**, on condition that the petitioner shall execute a bond for a **sum of Rs.25,000/- (Rupees Twenty Five 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 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 two weeks and thereafter, as and when required.**

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



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[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.

06.09.2022

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