



Crl.O.P.No.22672 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.22672 of 2022

1.Imthiyaz

2.Sugavaneswaran

3.Kesavan

4.Krishnan

... Petitioners/Accused - 2,3,4,6

Vs.

The State represented by,
Inspector of Police
Karuppur Police Station,
Salem District.

(Crime No.302/2022).

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.302 of 2022 on the file of the respondent Police.

For Petitioners : Mr.B.Vasudevan
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 31.08.2022 for the offences punishable under Section 7 (3) of Lotteries Regulation Act, 1998 and Sections 420, 294 (b), 392 r/w 397 and 506 (ii) of IPC, in Crime No.302 of 2022 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the accused conducted illegal three digit lottery ticket and the de facto complainant was a subscriber to that lottery and he had won the lottery. The petitioners have asked him to come and receive the price money and taken him to graveyard and under knife point, threatened and robbed the amount of Rs.2000/- from the de facto complainant. Hence the complaint.

3. Learned Counsel for the petitioners would further submit that the petitioners are innocent and a false complaint has been given against them. He would further submit that entire reading of the First Information Report will disclose that it is a false case. He would also submit that if the



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de-facto complainant is the winner in the lottery, there is no reason for the petitioner to call him near graveyard and taken money from him. The learned counsel would submit that a case is of financial dispute has been wrongly projected as a case of lottery. He would also state that there is no previous cases against the petitioners and they are in custody from 31.08.2022. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners have been running illegal three digit lottery and the de-facto complainant is a subscriber to it and that he had won the lottery, to which, the petitioners called the de-facto complainant to receive price amount, wherein, the petitioners threatened the de-facto complainant by showing knife and robbed an amount of Rs.2,000/- form him. He would also submit that there is no previous cases as against the petitioners and during the course of enquiry, a sum of Rs.4,17,840/- has been recovered from the petitioners. Hence, he vehemently opposed for grant of bail to the petitioners.



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5. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent and perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of this case and also taking note of the period of incarceration undergone by the petitioner from 31.08.2022, 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.25,000/- (Rupees Twenty five thousand only)** each with **two sureties**, each for a like sum to the satisfaction of **the Judicial Magistrate, No.2, 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 report before the respondent Police, everyday at 10.30 a.m. and 5.30p.m., until further orders;



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

19.09.2022

nst/ham

To

1. The Judicial Magistrate - II
Salem.
2. The Inspector Of Police
Karuppur Police Station,
Salem District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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