



Crl.O.P.No.25882 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353, 506(i) of IPC r/w Section 12 of Tamil Nadu Gambling Act in Crime No.279 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the respondent police is the defacto complainant, on 12.07.2022 when the respondent police was on regular patrolling, they found that the petitioner along with other accused persons/A1 to A4 had played illegal Rummy cards Gambling. 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 such offence as alleged by the prosecution. He would further submit that the accused persons/A1 to A4 involved in this case had played illegal rummy cards gambling and they were arrested by the respondent police and remanded to judicial custody. Based on the confession statement by the



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arrested accused, the petitioner was impleaded in this case, Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submits that the petitioner/A5 is a owner of a shop wherein illegally running gambling. That apart, A1 to A4 were arrested and remanded to judicial custody and the petitioner herein is having four previous cases which are similar in nature. He would further submit that this Court had already dismissed the anticipatory bail petition filed by the petitioner on 22.07.2022 in Crl.O.P.No.17179 of 2022. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that though this Court had dismissed the anticipatory bail petition in earlier occasion, the respondent failed to secure the petitioner. Therefore, the custodial interrogation of the petitioner is not required.

6. Considering the above fact and circumstances of the case and custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner shall donate a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the METTUR PAVENTHAR BHARATHIDASAN NARPANI MANDRAM; A/c No : 6527280724; IFSC code : IDIB000M034; Bharathi Nagar, Mettur Dam-1, Salem District; for the purpose of constructing library, and on such donation 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, Thiruvallur, 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:

[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.



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[b] the petitioner shall donate a sum of **25,000/-** (Rupees Twenty Five Thousand only) to the credit of the **METTUR PAVENTHAR BHARATHIDASAN NARPANI MANDRAM**; A/c No : 6527280724; IFSC code : IDIB000M034; Bharathi Nagar, Mettur Dam-1, Salem District.4

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., and 5.30 p.m., until further orders.

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

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