



Crl.O.P.No.25260 of 2022

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A.D.JAGADISH CHANDIRA,J.

The matter is listed today under the caption “for being mentioned”.

2. When the matter came up on 14.11.2022, this Court has granted anticipatory bail to the petitioner. Whereas, even before the order get signed, the learned counsel for the petitioner submitted that there is no clarity with regard to the grant of bail to A1, thereby, the matter is directed to be listed today under the caption “for being mentioned”.

3. Considering the submissions made by the learned counsel for the petitioner, the entire order shall be read as follows:

" The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 4(3) of TN Gambling Act and under Section 420 of IPC in Crime No. 231 of 2022, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner along with other accused have involved in cotton betting/gambling activities. Hence, the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that even as per the de-facto complainant, Karthik Kumar, he is alleged to have involved in illegal activity of cotton betting and the respondent ought to have implead him as an accused whereas, the de-facto complainant is set up by the police to give the complaint. Based on the complaint, A1 was arrested and subsequently, he has been granted bail and only in order to harass the petitioner a false complaint has been given. He also submitted that without prejudice, the petitioner is prepared to deposit a sum of Rs.10,000/- towards any Welfare Scheme of the Government. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused had involved in cotton betting/gambling activities. He further submitted that one previous case is pending as against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.10,000/- to the any Welfare Scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. However, it is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.



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6. Accordingly, the petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** as non refundable deposit to the credit of the **Chief Minister Relief Fund, Tamil Nadu**, and on such deposit, 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, Vellore District**, 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 stands 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 everyday at 10.30 a.m., until further orders.

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

[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."

16.11.2022

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