



Crl.O.P.No.27986 of 2022

A.D. JAGADISH CHANDIRA, J.,

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The petitioner, who apprehends arrest for the alleged offences under Sections 5 and 7(3) of Lotteries Regulation Act and Section 420 of IPC in Crime No.416 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that while the defacto complainant was on regular patrol duty found A1 was selling banned lotteries to the general public, on seeing the police party attempted to ran away and he was found in possession of banned lotteries and cash of Rs.450. 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 based on the statement given by A1. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The Government Advocate (Crl.side) would submit that A1 was selling banned lottery tickets along with other accused. The petitioner is brother of A1. No previous case is pending against the petitioner. He would further submit that the investigation is pending. Hence, he oppose for grant of anticipatory bail to the petitioner.



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5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate, Rasipuram, on condition that the petitioner shall execute a separate bond for a sum of Rs.15,000/- (Rupees Fifteen 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 10.30am until further orders.

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

<https://www.mhc.tn.gov.in/judis> [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 abscond, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

16.11.2022

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