



Crl.O.P.No.29412 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2022

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.29412 of 2022

1.Sajith Kumar

2.Vignesh

3.Prakash

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Thudiyalur Police Station,
Coimbatore.

(Crime No.926/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime
No.926 of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.R.Vivekananthan

For Respondent : Mr.S.Vinoth KUMar
Government Advocate (Crl.Side)



Crl.O.P.No.29412 of 2022

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ORDER

The petitioners, who were arrested and remanded to judicial custody on 15.11.2022 for the offences punishable under Sections 5 and 7(3) of the Lotteries (Regulation) Act, 1998 and 120(b) and 353 of IPC & 66(d) of IT Act 2000 @ Sections 120(b), 353, 420 of IPC and Sections 5 and 7 of Lotteries (Regulation) Act, 1998 in Crime No.926 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 15.11.2022, based on the secret information, the respondent Police along with his team had arrived to M/s.Hansika Finance At Nallampalayam after obtaining prior permission from the officials. It is further alleged that on their arrival, it was witnessed that the accused persons were having possession and selling of lottery tickets which is banned in Tamil Nadu. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the alleged articles



Crl.O.P.No.29412 of 2022

were seized by the respondent Police and hence, he prays to grant bail to the petitioners.

4.The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners were found in illegal possession of banned lottery tickets. He would further submit that there are three previous cases pending against the first petitioner and as far as the petitioners 2 and 3 are concerned, there is no case pending against them. Hence, he vehemently opposed for grant of bail to the petitioners.

5.In reply, the learned counsel for the petitioners would submit that without prejudice, the petitioners are ready and willing to pay a sum of **Rs.10,000/-** to any Charitable purpose as may be directed by this Court. Hence, the learned counsel prays to grant bail to the petitioners.

6.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.



Crl.O.P.No.29412 of 2022

7. Taking into consideration of the fact that A1 has got three previous cases, this Court is not inclined to grant anticipatory bail to the first petitioner/A1. As far as the petitioners 2 and 3/A2 & A3 are concerned, this Court is inclined to grant bail with certain conditions.

8. Accordingly, the petitioners 2 and 3 are directed to **deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) each to the credit of Registered Advocate Clerk Association, Chennai** and on such deposit and production of proof, the petitioners 2 and 3 are ordered to be released on bail on their executing separate 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 **learned Judicial Magistrate No.I, Coimbatore**, 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 2 and 3 shall report before the respondent police on every Wednesday at 10.30 a.m. for a



Crl.O.P.No.29412 of 2022

period of three months and thereafter, appear before the trial Court on all hearing dates;

(c)the petitioners **2 and 3** shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners **2 and 3** 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 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

07.12.2022

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To

1.The Judicial Magistrate No.I,
Coimbatore.

2.The Inspector of Police,
Thudiyalur Police Station,
Coimbatore.



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Crl.O.P.No.29412 of 2022

T.V.THAMILSELVI,J.

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3.The Central Prison,
Coimbatore.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.29412 of 2022

07.12.2022