



Crl.O.P.No.29998 of 2022

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 5 & 7(1) of Lotteries Regulation Act, 1998 r/w Section 420 of IPC, in Crime No.333 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the respondent Police and his team were on their routine patrol duty, they found that the accused were selling Lottery tickets without any valid license. The respondent Police arrested the accused and registered a case for the offences under Sections 5 & 7(1) of Lotteries Regulation Act, 1998 r/w Section 420 of IPC, in Crime No.333 of 2022. Hence the case.

3. Learned counsel for the petitioners submitted that the petitioners are innocent persons and they were falsely implicated in this case. He further submitted that only based on the confession statement recorded from the accused 1 & 2, the present petitioners were implicated in this case. He also



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stated the accused 1 & 2 were arrested and enlarged on bail. He further submitted that the petitioners are no way connected with the alleged offences and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the respondent police found that the accused were selling Lottery tickets without any valid license. He further submitted that no previous case is pending as against these petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioners and also considering the fact that no previous case is pending as against the petitioners,



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this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Ambur**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 petitioners shall report before the respondent police every Sunday at 10.30 a.m. for a period of six weeks and thereafter, as and when required for interrogation;



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[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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]**;

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

22.12.2022

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