



Crl.O.P.No.30916 of 2022

Crl.O.P.No.30916 of 2022

T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 332, 353, 506(ii) of IPC r/w Sections 8 & 9 of Tamil Nadu Gaming Act in Crime No.392 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 14.11.2022, when the defacto complainant received a secret information that the accused were playing illegal gambling, he along with his team went to the scene of occurrence at 8.40 p.m., enquired the accused and seized the amount and the cards from them, whereas on taking advantage of power cut, the accused abused the respondent/Police in filthy language and also prevented them from discharging their official duty. Hence the case.

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. He would further submit that he has nothing to do with the alleged



Crl.O.P.No.30916 of 2022

WEB COPY

offence and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that when the respondent Police and their team attempted to arrest the accused who were playing gambling using cards, the accused abused the respondent/Police in filthy language and taken away the seized amount and cards from the respondent Police and also prevented them from discharging their official duty. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 days



CrI.O.P.No.30916 of 2022

WEB COPY

from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Gobichettipalayam 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.

[b] the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of eight weeks.

[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;



WEB COPY



Crl.O.P.No.30916 of 2022

[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;

16.12.2022

vkrr



WEB COPY



Crl.O.P.No.30916 of 2022

T.V.THAMILSELVI, J.

vkf

Crl.O.P.No.30916 of 2022



WEB COPY



CrI.O.P.No.30916 of 2022

16.12.2022