



Crl.O.P.No.32217 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(3) of the Lotteries Regulation Act, 1998 in Crime No.136 of 2022, seek anticipatory bail.

2.The case of the prosecution is the A1 sold lottery tickets to the public. Based on the confession of A1, the petitioners were arrested. Hence the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with the alleged offence. He would further submit that the petitioners are ready to abide by any stringed conditions as imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl.Side) would submit that the A1 sold lottery tickets to the public. Based on the confession of A1, the petitioners were arrested. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners as well as 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, this Court is inclined to grant anticipatory bail to the petitioners.

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, Thirukkazhukundram**, on condition that each of the petitioners shall execute 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 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 Wednesday at 10.30 am for a period of eight weeks and thereafter, as and when required for interrogation.

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



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[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.

23.12.2022

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