



Crl.O.P.No.4820 of 2023

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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 Lotteries Regulation Act 1998, in Crime No.65 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused conducted illegal lottery draw. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. On instruction, they would further submit that without prejudice to their defence, the petitioners are prepared to deposit considerable amount to any charitable Organization or Association. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the petitioners along with the co-accused was selling lottery tickets which were banned by the State Government. He further submitted that very recently the 2nd petitioner was arrested and remanded to Judicial custody. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Heard the learned counsel appearing for the petitioners as well as the learned Government Advocate (Crl.side) appearing for the respondent and perused the materials available on record.

6. Taking into consideration of the facts and submissions made by the learned counsel on either side and also the 2nd petitioner was arrested and remanded to Judicial custody, this Court is not inclined to grant anticipatory bail to the 2nd petitioner. Accordingly, anticipatory bail application stands dismissed as infructuous in respect of 2nd petitioner alone.

7. Taking into consideration of the fact that the 1st petitioner without prejudice his rights, on his own volition, is ready and willing to contribute some amount to any charitable trust, this Court is inclined to grant anticipatory bail to the 1st petitioner with certain conditions.

8. Accordingly, the 1st petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Tiruthuraipoondi**, on condition that the 1st 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



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stand dismissed and on further condition that:

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[a] the 1st petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand Only)** to the credit of the **Registered Advocate Clerk Association, Thiruvavarur**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the 1st 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.

[c] the 1st petitioner shall report before the respondent police every Wednesday at 10.30 a.m. for a period of eight weeks and thereafter as and when required for interrogation.

[d] the 1st petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the 1st petitioner shall not abscond either during investigation or trial.

T.V.THAMILSELVI, J.



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[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 1st petitioner in accordance with law as if the conditions have been imposed and the 1st 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]**.

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

02.03.2023

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