



Crl.O.P.No.7999 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 7(3) of Lotteries Regulation Act, 1998 in Crime No.189 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner along with other accused were found to be selling the banned lottery tickets of Malaysia and Singapore through online app. Hence, the complaint.

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 further submit that the case is of the year 2022 and the petitioner without prejudice is ready and willing to deposit a sum of Rs.20,000/- to welfare of any Government School. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the petitioner along with other accused



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were found selling the banned lottery tickets of Malaysia and Singapore through online app. He would further submit that there are two previous cases as against the petitioner, which are of similar in nature. Hence, he would vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel on either sides and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made on both sides and also taking note of the fact that the petitioner is ready and willing to deposit a sum of Rs.20,000/- to any welfare Government School, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall make a non-refundable deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the Head Master, Government Primary School, Ramakrishnapuram, Vedharaniyam Taluk, Nagapattinam District. On such deposit and production of proof, the 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



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ready, before the **Judicial Magistrate, Vedaranyam**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** as non-refundable deposit to the Head Master, Government Primary School, Ramakrishnapuram, Vedharaniyam Taluk, Nagapattinam District within a period of fifteen (15) days from the date of receipt of a copy of this order and produce the receipt at the time of execution of sureties.

[c] **the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.**

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



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

[f] 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]**.

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

17.04.2023

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