



Crl.OP.No.9096 of 2023

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K.KUMARESH BABU, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5 and 7(3) of Lotteries Regulation Act, 1998 and Section 420 of IPC, in Crime No.117 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on receiving secret information, the respondent police on 11.03.2023 found that the first accused standing in the road side and selling lotteries to the persons standing in front of him and received money from them. The first accused noticed the respondent police and tried to escape from the place of occurrence. But immediately, the respondent police caught the first accused. The first accused had given confession statement that he was selling lotteries along with the petitioner. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this



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case. The learned counsel further submitted that only based on the confession statement given by first accused, the petitioner has been added as an accused in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner accompanied the first accused in selling the lotteries which was banned by the State Government, to some persons by standing in the road side. The learned Government Advocate further submitted that there is no previous case pending against this petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration of the fact that the petitioner is implicated in this case only on the confession statement given by the first accused, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 from the date on which the order copy made ready, before the learned Judicial Magistrate, Rasipuram, 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 shall 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 Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

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



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[d] the petitioner 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 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.

18.05.2023

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