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CrI.OP.No.9362 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No. 9362 of 2023

1.Mariyappan
2.Krishnan

... Petitioners / Accused 1 & 2

Vs.

State rep. by
The Inspector of Police,
Karuppur Police Station,
Salem District,
(in Crime No.112 of 2023)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail, pending investigation in Crime No.112 of 2023 on the file of Inspector police, Karuppur Police Station, Salem District.

For Petitioners : Mr.B.Vasudevan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 25.03.2023 for the offences punishable under Sections 420



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I.P.C. Section 7(1), 7(3) of Lotteries Regulation Act and 294(b), 392 r/w.

397 and 506(ii) I.P.C. in Crime No.112 of 2023 on the file of the respondent police, seeks bail

2. The case of the prosecution is that on 25.03.2023 at 9.00 a.m. near Korimedu at Salem, the petitioners were selling Kerala State Lottery tickets and assured the general public that they would get assured cash prizes, lured by the said assurance, the defacto complainant purchased one ticket for Rs.200/-. Thereafter, when the defacto complainant did not get any price amount as assured by the petitioners, he went to the place of occurrence and asked the petitioners to repay his ticket money, due to which, the petitioners got angry and threatened the defacto complainant at knife point and grabbed another sum of Rs.2,000/-. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioners.



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4. The learned Additional Public Prosecutor would submit that the petitioners were illegally sold Kerala State Lottery tickets and inviting general public to purchase the same. When the defacto complainant did not get any price amount as assured by the petitioners, he had gone to the place of occurrence and asked the petitioners to repay his ticket money of Rs.200. Therefore, the petitioners got angry and threatened the defacto complainant at knife point and grabbed another sum of Rs.2,000/-. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above submissions and period of incarceration, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Salem and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of



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their Aadhar card or Bank pass Book to ensure their identity.

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[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks, thereafter, as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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.

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To

1.The Judicial Magistrate No.II, Salem.



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2.The Inspector of Police,
Karuppur Police Station,
Salem District,

3.Central Prison, Salem.

4.The Public Prosecutor,
High Court of Madras,
Chennai

G.K.ILANTHIRAIYAN, J.

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