



Crl.O.P.No.10310 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 offences punishable under Sections 5, 7(3) of Lotteries Regulation Act 1998 in Crime No.241 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 22.04.2023, the Inspector of Police along with his police party went to Karamadai Billukadai Mukku, Chinnatottippalayam and Periyatottippalayam, for inspection and on seeing the police, one person started to run away. The police chased and caught hold of him and on enquiry, they came to know that his name was Kanagaraj and he was selling Lottery Tickets which were banned by the Tamil Nadu Government and he claimed that the petitioner has given the tickets for sale. Hence, the case.



CrI.O.P.No.10310 of 2023

WEB COPY

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 based on the confession given by the accused. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner is a habitual offender and there are four previous cases of similar in nature pending as against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. In reply, the learned counsel for the petitioner submitted that the petitioner who is aged about 52 years, has been suffering from various ailments and he has also given an affidavit of undertaking before this Court that he will not involve in any such criminal activities in the future and abide the law without any failure. He further submitted that without prejudice, the petitioner is ready and willing deposit a substantial amount to welfare scheme as may be directed by this Court and he prayed to grant anticipatory bail to the petitioner.



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CrI.O.P.No.10310 of 2023

6. Heard both sides and perused the materials available on record including the FIR.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner shall make a non-refundable deposit a sum of **Rs.30,000/- (Rupees Thirty Thousand only)** to the credit of **The Head Master, CGM High School, Narikkalpatti, Palani Taluk, Dindugul**. 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 ready, before the **learned Judicial Magistrate, Mettupalayam** 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 :



CrI.O.P.No.10310 of 2023

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police every day at 10.30 a.m., for a period of three weeks and thereafter every Saturday at 10.30 am., until further orders.

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

[d] the petitioner shall not abscond either during investigation or trial;

[e] 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, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;



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CrI.O.P.No.10310 of 2023

[f] if the petitioner herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

9. Accordingly, the Criminal Original Petition is ordered.

12.06.2023

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Crl.O.P.No.10310 of 2023

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Crl.O.P.No.10310 of 2023

12.06.2023