

Crl.O.P.No.12189 of 2023

V.LAKSHMINARAYANAN, J.

The petitioner who apprehends arrest for the alleged offence under Sections 5 and 7 (3) of Tamil Nadu Lotteries Regulation Act, 1998 in Crime No.210 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A2 and his accomplices circulated banned lottery tickets in public. Thereby, the Law Enforcing Agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that based on the confession statement given by the co-accused/A1, petitioner's name has been implicated as accused in this case. He further submits that A1/co-accused had been arrested and enlarged on bail by the learned Judicial Magistrate No.1, Cuddalore. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submits that there are two previous cases pending against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



5. Considering the facts and circumstances of the case and also the fact that the co-accused/A1 had been arrested and released on bail by the learned Judicial Magistrate No.1, Cuddalore, this Court is inclined to grant anticipatory bail to the petitioner.

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 was made ready, before the learned *Judicial Magistrate No.1, Cuddalore*, 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 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 Court concerned 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 everyday at 10.30 a.m for a period of eight (8) weeks and thereafter as and when required for interrogation;



(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)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 anticipatory 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

26.05.2023

dk/jas

To

1.The Judicial Magistrate No.1,
Cuddalore.

2.The Public Prosecutor
High Court of Madras
Chennai – 600 104.



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