



Crl.OP.No.13197 of 2023

A.D.JAGADISH CHANDIRA, J.

WEB COPY

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections for the offences punishable under Sections 341, 395, 397, 420 & 506(ii) of IPC and 7(1), (7)(3) of Lotteries Regulation Act, 1998 in Crime No.304 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, petitioner/A1 along with others said to have sold the banned lottery tickets to the defacto complainant. It is alleged that the defacto complainant did not win the lottery and hence, he demanded the accused persons to return the money, on account of which, the petitioner along with other accused, at a knife point, snatched a sum of Rs.4,100/- along with one sovereign of gold chain and a cellphone from the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.



WEB COPY



4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the defacto complainant bought a lottery ticket from the petitioner/accused and he did not win the lottery and hence, he demanded the accused persons to return the money, on account of which, the petitioner along with other accused, snatched a sum of Rs.4,100/- along with one sovereign of gold chain and a cellphone from the defacto complainant at a knife point,

5. Heard both sides and perused the materials available on records including the FIR.

6. Taking into consideration the facts and circumstances of the case, and the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 -IV, Salem* 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/trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner report before the respondent police every day at 10.30 a.m and 4.30 p.m., for a period of four weeks and thereafter as and when required for further investigation;

[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;

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

Vv

15.06.2023



WEB COPY



Crl.OP.No.13197 of 2023

A.D.JAGADISH CHANDIRA, J.

Vv

Crl.OP.No.13197 of 2023

15.06.2023



WEB COPY



CrI.OP.No.13197 of 2022