



Crl.O.P.No.13996 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 Section 7(3) of Lotteries Regulation Act, 1998 in Crime No.253 of 2023 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were found selling illegal lottery tickets to the public. Hence, the complaint.

3. The learned counsel appearing 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 from the arrested accused. He further submit that the main accused/A1 was arrested and enlarged on bail. He would further submit that the petitioner undertake to abide by any stringent condition that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused were found selling illegal lottery tickets to the general public. He further submit that the petitioner has no previous case pending against him. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel on either sides and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand Only)** as non refundable deposit to the credit of the **Chief Justice Relief Fund, High Court of Madras** and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his



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appearance, within a period of fifteen days from the date on which the order

copy made ready, before the **learned District Munsif cum Judicial Magistrate Court, Kunnam**, 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 may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non-refundable deposit to the credit of the **Chief Justice Relief Fund, High Court of Madras** and the acknowledgement for the same shall be produced before the learned Magistrate at time of execution of bond.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.



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[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

23.06.2023

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