



Crl.O.P.No.14110 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Section 420 IPC and Sections 7 (1) and 7 (3) of Lotteries Regulation Act, 1998, in Crime No.275 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that petitioner is implicated on the basis of the confessional statement of the co-accused, he is innocent and seeks anticipatory bail for the petitioner.

3. In response, the learned Government Advocate (Crl.Side) submitted that on 21.05.2023, at about 12 p.m., first accused was found in possession of the banned lottery tickets near Door No.1/1-161, Mettu street. It is the confessional statement of the first accused that second accused had alone procured the lottery ticket and gave it to the first accused for selling it to the Public. Thus, he prayed for dismissal of the petition.

4.From the submissions made by the learned Government



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Advocate (Crl.Side) and the materials produced, it is evident that except the confessional statement of the co-accused, there is no other corroborating material to implicate the petitioner with the offence alleged in this case. In the said circumstances, this Court is of the view that custodial interrogation of the petitioner is not necessary and this Court is inclined to grant anticipatory bail to the petitioner. Therefore, 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 No.5, Salem**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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.



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[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., 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] 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].

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

27.07.2023

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