



Crl.O.P.No.14820 of 2023

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G.CHANDRA SEKHARAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under **Sections 420 IPC and Sections 5 and 7 (3) of Tamilnadu Lotteries Regulation Act, 1998**, in Crime No.211 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The learned counsel appearing for the petitioners would submit that the petitioners are not named accused in the FIR in crime No.211 of 2023 registered for the offences under Sections 420 IPC and Sections 5 and 7 (3) of Tamilnadu Lotteries Regulation Act, 1998. Apprehending arrest, this petition is filed seeking anticipatory bail.

3. The learned Government Advocate (Crl. Side) appearing for the respondent opposed for grant of anticipatory bail to the petitioners stating that the petitioners along with other accused, induced the gullible innocent public to buy online lottery tickets. Despite purchasing of the tickets for multiple times, the defacto complainant and others, had lost



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money and did not get anything from the lottery tickets. He further submitted that, out of the 13 accused, 11 accused were arrested and subsequently, they were released on bail.

4. Considered the submissions and perused the records.

5. Perusal of FIR shows that the defacto complainant has made allegations, alleging that, the accused Saravanan and his wife Ezhilarasi were responsible for cheating the general public by online lottery. As rightly pointed out by the learned counsel for the petitioners, there is no specific allegation against the petitioners in the FIR and the prosecution is not able to produce any incriminating material to implicate the petitioners in the running of online lottery. Therefore, this Court is of the view that, the custodial interrogation of the petitioners is not be necessary. In the said circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate-I, Bhavani**, on condition that the petitioners shall execute a separate 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 petitioners 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 1st petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders;



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[c] the 2nd petitioner shall report before the respondent police as and when required for interrogation;

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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