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Crl.O.P.No.15388 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 7 (3) of Lotteries Regulation Act, in Crime No.506 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.It is the submission of learned counsel for the petitioner that even as per the First Information Report allegations, petitioner is implicated as accused only on assumption. There is no materials available to implicate petitioner in this case. Thus, he seeks anticipatory bail.

3.In response, the learned Government Advocate (Criminal side) submitted that there is no lottery tickets seized in this case.

4.Considered the submissions and perused the records.



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5.It is seen from the First Information Report allegations that at about 16.00 hours on 24.05.2023, on secret information, the Sub-Inspector of Police conducted a search of un-numbered building near Arabian Halal Briyani shop. His enquiry revealed that Devaraj, s/o Krishnan, residing at No.2, S.V Perumal Kovil Street, Oragadam and his cell phone number is 9941880800, selling lottery tickets. When tried to contact the said Devaraj, he found that cell phone was switched off. It is claimed that there are traces for selling of lottery tickets. However, it appears that no lottery ticket is recovered in this case. In the said circumstances, this Court is inclined to grant anticipatory bail to the petitioner for the reason that custodial interrogation of the petitioner is not necessary. Accordingly, 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, Ambattur**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**



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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 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



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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].

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

19.07.2023

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