



Crl.O.P.No.16004 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners namely Siva @ Sivakumar, Kumaresan who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 353 of IPC and under Section 12 of Tamil Nadu Gaming Act, 1930 read with Section 45 of Tamil Nadu City Police Act, 1888 in Crime No.336 of 2023 pending on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioners submitted that, petitioners are innocent persons and they have been falsely implicated in a case registered for the offences under Sections 294(b), 353 of IPC and under Section 12 of Tamil Nadu Gaming Act, 1930 read with Section 45 of Tamil Nadu City Police Act, 1888 in Crime No.336 of 2023. Thus, he seeks for anticipatory bail.

3. In response, learned Government Advocate (Crl. Side) submitted that, on 04.06.2023 at about 00.30 hrs., petitioners along with other accused had indulged in gambling for gain. Case properties were recovered. There is no previous case pending against the petitioner.



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4. Considering the facts and circumstances of the case that case properties were recovered and that material part of the investigation might have been over by this time, this Court is inclined to grant anticipatory bail to the petitioners for the reason that, custodial interrogation of the petitioners is not necessary in this case.

5. Accordingly, 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 No.II, Poonamallee** on condition that the petitioners shall execute separate 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 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 petitioners shall report before the respondent police daily at 10.30.a.m., until further orders

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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 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].

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

24.07.2023

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