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Crl.O.P.No.16461 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Section 420, 387 and 506 (ii) of I.P.C. and Sections 5, 7 (3) of Tamil Nadu Lotteries Regulation Act, 1998, in Crime No.213 of 2023 on the file of the respondent police, seek anticipatory bail.

2.It is the submission of learned counsel for the petitioners that petitioners are falsely implicated as accused in Cr.No.213 of 2023 registered for the offences under Section 420, 387 and 506 (ii) of I.P.C. and Sections 5, 7 (3) of Tamil Nadu Lotteries Regulation Act, 1998. There is no specific allegations made against the petitioners in the First Information Report. Apprehending arrest, this petition is filed seeking anticipatory bail.

3.In response, the learned Government Advocate (Criminal side) submitted that defacto-complainant used to buy lottery tickets from



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Kumaran @ Kumaresan and Dhanabal. On 17.06.2023, at about 08.30 a.m. Kumaran @ Kumaresan and Dhanabal came and asked the defacto-complainant to buy lottery. Defacto-complainant told them that he never got prize earlier and therefore, he refused to buy lottery tickets. Kumaran @ Kumaresan had shown knife and threatened the defacto-complainant to buy lottery, else both threatened to kill him. It is alleged that petitioners are the A3, A4 and A5 and only through them, A1 and A2 used to sell lottery tickets.

4.Considered the rival submissions and perused the records.

5.It is seen from the First Information Report allegations that there is no specific allegations made against these petitioners. These petitioners are implicated in this case on the basis of confessional statement of co-accused. There is no corroborative materials available as of now in support of contention of the learned Government Advocate (Criminal side) that petitioners have helped A1 and A2 in the sale of lottery tickets. In the said circumstances, this Court is of the view that custodial



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interrogation of the petitioners is not necessary. Thus, this Court is inclined to grant anticipatory bail to the petitioners. 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-I, Bhavani**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- each (Rupees Ten Thousand only) each 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;

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



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[d] the petitioners 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 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.

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