



Crl.O.P.No.16917 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner/A2 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 7(1) and 7(3) of the Lotteries (Regulation) Act and 420 of Indian Penal Code 1860 in Crime No.236 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that A1 in this case was selling banned Kerala Lottery tickets for which, he collected amount from various purchasers thereby committed offence and on his confession that he got the lottery tickets from A2, this petitioner/A2, is added. Hence this petition for anticipatory bail.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that on the date of occurrence, the petitioner had went along with his friend for collecting loan amount from their common friend. Therefore, he prays for grant of bail to the petitioner.



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4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that A1 was found selling the Kerala lottery tickets, which is banned in Tamil Nadu and he was arrested and subsequently granted bail. In the confession statement, A1 has stated that he had got the lottery tickets from A2, the petitioner herein. He would further submit that the petitioner/A2 is having 11 previous cases, out of which, eight cases were disposed of by paying fine. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6.Accordingly, 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.2, Sankari, 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 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 daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required.

[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

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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;

07.08.2023

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