



Crl.O.P.No.17064 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 4 (1)(a)(II) of TN Gaming Act, 1930 and Section 420 IPC, in Crime No.275 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that petitioner is falsely implicated based in this case based on the confessional statement of the co-accused. He further submitted that petitioner is an innocent person and seeks for anticipatory bail for the petitioner.

3. In response, the learned Government Advocate (Crl.Side) submitted that on 07.07.2023, at about 2 p.m., when the respondent police were in their patrol duty, they found a person, near Ambur, Pudhumanai Junction, standing there with a notebook and pen. When enquired, he stated that on instructions from his owner Dhandapani, he is collecting Rs.10/- from the general public and in the evening, they will conduct lucky draw and for the winner, they will pay Rs.70/- as prize



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money. Hence a case was registered for the offence under Section 4 (1)(a)(II) of TN Gaming Act, 1930 and Section 420 IPC, in Crime No.275 of 2023 against the accused. He further submitted that petitioner is involved in three similar cases and prayed for dismissal of this petition.

4.In reply to this submission, the learned counsel for the petitioner submitted that on the same date, two cases were registered in Crime Nos.273 and 275 of 2023.

5.Considering the nature of the offence alleged against the petitioner and the fact that petitioner is implicated based on the confessional statement of the co-accused and that the materials used for gambling had been recovered, this Court is of the view that custodial interrogation of the petitioner is not necessary and this Court is inclined to grant anticipatory bail to the petitioner. Therefore, 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, Ambur**, on



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condition that the petitioner shall execute a 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 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



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with law as if the conditions have been imposed and the 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].

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

04.08.2023

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