

Crl.O.P.No.28395 of 2022

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence under Sections 4(3) of Tamil Nadu Gaming Act 1930 r/w. Section 420 of IPC in Cr.No.367 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A4 and his accomplices ran “Cotton Gambling” and extorted money from the public. Thereby, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that based on the confession statement given by the co-accused, petitioner's name has been implicated as accused in this case. He further submits that the co-accused persons namely A1 to A3 were arrested and enlarged on bail by the trial Court in Crl.M.P.No.3157 of 2022 dated 31.10.2022. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.side) submits that on the direction of petitioner/A4, co-accused were engaged in “Cotton Gambling”.

He further submits that there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submission made by the learned Government Advocate (Crl.Side), that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned *Judicial Magistrate Katpadi*, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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 and on further condition that:



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(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 every Friday at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation;

(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 anticipatory 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]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

12.01.2023



T.V.THAMILSELVI, J.

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To
The Judicial Magistrate,
Katpadi.

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