



Crl.O.P.No.23855 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A3 seeks anticipatory bail in Crime No.328 of 2023 registered by the respondent Police under Sections 420 IPC r/w 5, 7(3) of Lotteries Regulation Act, 1998, for the alleged occurrence which took place on 07.10.2023.

2. The learned counsel for the petitioner stated that the petitioner has been falsely implicated as an accused in this case. He is innocent. Thus, he seeks anticipatory bail to the petitioner.

3. The case of the prosecution is that A1 and A2 got introduced to defacto complainant and they have told him that they know the petitioner herein who sells the other State lottery tickets and if the defacto complainant purchases the lottery, he will win prize money. Therefore, defacto complainant had given money to A1 and A2 and started to purchase the lottery. The numbers alone were given to him in a white paper. It is stated that A1 and A2 had been arrested.



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4.The learned counsel for the petitioner states that the respondent have been registering cases against the petitioner successively. Petitioner had been granted anticipatory bail in Crime No.332 of 2023 in Crl.O.P.No.24248 of 2023, by an order dated 20.10.2023 and in Crime No.451 of 2023 in Crl.O.P.No.24168 of 2023, by an order dated 20.10.2023.

5.Taking all these factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner with certain 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.1, Erode**, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 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 10.00 a.m., for a period of two 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 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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