



WEB COPY



CrI.O.P.No.24815 of 2023

CrI.O.P.No.24815 of 2023

R.KALAIMATHI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 353,506(ii) of IPC & Section 5 & 7(3) of Lotteries Regulation Act 1998 in Crime No.779 of 2023, seek anticipatory bail.

2. The case of the prosecution is that this petitioner and other accused were caught from the respondent police for illegal selling of Kerala and Bhutan Lotteries which is banned in TamilNadu. Hence, the complaint.

3. The learned counsel for the petitioner stated that this petitioner is arrayed only as Accused No.2. Accused No.1 was arrested and remanded in judicial custody. Based on the confession statement of the 1st accused this petitioner had arrayed as Accused No.2 in this case. This petitioner is not at all present in the place of occurrence. This petitioner has not committed any offences as alleged by the respondent police. He further stated that this petitioner is innocent person, he is no



Crl.O.P.No.24815 of 2023

way connected with the said alleged offences. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate appearing for the respondent police submitted that this petitioner and other accused were caught by the respondent police for illegal selling of Kerala and Bhutan Lotteries which is banned in TamilNadu. Accused No.1 was arrested on the same day and he was released on bail on 20.10.2023. Hence, he vehemently opposed to grant anticipatory bail to this petitioner.

5. Taking into consideration of the above facts, this Court is inclined to grant anticipatory bail to the petitioner herein with certain conditions.

6. Accordingly, the petitioner is 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-II at Thiruvallur** 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



Crl.O.P.No.24815 of 2023

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 appear before the respondent police daily at 10.00 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 with law as if the conditions have been imposed and the petitioner released on



Crl.O.P.No.24815 of 2023

WEB COPY

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.

26.10.2023

gvn/gd



WEB COPY



Crl.O.P.No.24815 of 2023

R.KALAIMATHI, J.

gvn/gd

Crl.O.P.No.24815 of 2023

26.10.2023