



Crl.O.P.No.2795 of 2024

WEB COPY

Crl.O.P.No.2795 of 2024

C.V.KARTHIKEYAN, J.

The petitioner/second accused who apprehends arrest at the hands of the respondent police for the offence punishable under Section 7(1) & 7(3) of Lotteries Regulation Act, 1998 in Crime No.602 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and co-accused were found selling banned lottery tickets and five Lottery tickets and also seized Rs.100/- from the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner was not at that spot and he is an innocent person. But there are 14 previous cases against the petitioner. In order to sensitise the petitioner, it would only be appropriate to direct deposit of a sum of Rs.5,000/- to the credit of Crime No. 602 of 2023.

4. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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 Judicial Magistrate No.II, Nagapattinam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with



Crl.O.P.No.2795 of 2024

WEB COPY

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 daily at 10.30 a.m., until further orders.

[c] the petitioner shall deposit a sum of Rs.5000/0 to the credit of Crime No. 602 of 2023 and on such deposit, the learned Judicial Magistrate No.II, Nagapattinam, may hand it over to the responsible officer of Government Hospital at Nagapattinam, for treatment of needy patient.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.



Crl.O.P.No.2795 of 2024

WEB COPY

[f] 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]**.

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

09.02.2024

vsg



WEB COPY



Crl.O.P.No.2795 of 2024

C.V.KARTHIKEYAN, J.

vsg

Crl.O.P.No.2795 of 2024

09.02.2024