



Crl.O.P.No.5009 of 2024

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 420 IPC and Sections 5, 7(3) of Lotteries Regulation Act, 1998 in Crime No.117 of 2024, seek anticipatory bail.

2. The case of the prosecution is that on 19.02.2024, the respondent police received secret information and they went along with his team to the scene of occurrence and found the petitioner along with another accused conducting an online lottery business through cellphone and the petitioners are jointly using whatsapp to speculate among the people using the last three numbers and four numbers and then selling it to them by cheating. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submits that based on the confession statement of A1, their



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names are included in the First Information Report. He further submits that they are ready to abide by any conditions that may be imposed by this Court.

Hence, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that totally there are five accused in this case. Based on the confession of the accused A1, these petitioners are arrested. He further submits that the petitioners has no previous case pending against them. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate No.IV, Salem*, on condition that the petitioners shall execute a



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bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, 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:

(a) the petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of the **Advocate Clerk Association, Erode**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

(b) the petitioners 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;

[c] **the petitioners shall report before the respondent police daily at 10.30 a.m, for a period of eight weeks;**

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;



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[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 has been imposed and the petitioner is 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]***; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

03.04.2024

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