



Crl.OP.No.10824 of 2024

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K.KUMARESH BABU, J.

The petitioner seeks anticipatory bail in Cr.No.136 of 2024 registered by the respondent police for the offence punishable under Section 420 of IPC and Section 7(1)&7(3) of Lotteries Regulation Act, 1998.

2. It is the case of the prosecution that the petitioner along with other accused persons alleged to have sold the banned lottery tickets illegally. Hence, the complaint.

3. The learned counsel for the petitioner stated that there are totally three accused in this case, the petitioner herein was arrayed as A3. He further submits that based on the confession statement of the arrested co-accused, this petitioner was implicated as A3. He further submits he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for



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respondent submitted that the the petitioner along with other accused persons alleged to have sold the banned lottery tickets illegally. He further submitted that the respondent police had seized 17 lottery tickets and cash of Rs.600/- from the accused persons. He also stated investigation in this case is almost completed and also submitted that no previous case is pending as against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 Court-V, Salem*, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, for a like sum to the satisfaction of the



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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 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

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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.

08.05.2024

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