



Crl.O.P.No.26479 of 2024

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P.DHANABAL, J.

The petitioner apprehends arrest for the alleged offences under Section 7(3) of Lotteries Regulation Act, 1998 in Crime No.101 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that on 02.08.2024, the de-facto complainant conducted a raid near Thippampatti Pandurangan Animal Food Shop, they found the petitioner and other accused selling a prohibited lottery ticket. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. The petitioner has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioner. He also submitted that inadvertently the name of the petitioner was mentioned as Arun @ Arunkumar instead of Arul @ Arulkumar in this petition and prayed this Court that direction



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may be issued to the Registry to amend the same.

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4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that petitioner sold prohibited lottery ticket. Based on the confession of the co-accused, the petitioner was arrested. There is no previous case as against the petitioner and further, considering the gravity of offence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the representations made by both sides and considering the nature of offences charged against the petitioner and taking into consideration that the fact that the petitioner was arrayed as accused based on the confessions made by the co-accused who were already released on bail and there is no previous case is pending against the petitioner, 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/her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **Judicial**



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Magistrate Court No.II, Dharmapuri 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 and on further condition that:

[a] the petitioner shall report **before the respondent police daily for thirty (30) days.**

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts of the Court or to any police officer.

[c] the petitioner shall not leave India without the previous permission of the Court.

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

[e] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.



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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 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

25.10.2024

Note: Registry is directed to amend the name of the petitioner as Arul @ Arulkumar in the cause title.



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