



*Crl.O.P.No.27814 of 2024*

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**WEB A.D.JAGADISH CHANDIRA, J.**

The Petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 7(3) of Lotteries Regulation Act and 318(4) and 351(2) of BNS, 2023, in Crime No.1380 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 08.10.2024, the petitioner along with the other accused conducted illegal lottery by making false promise to get the prize amount and cheated the public. Hence, the case.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and she has been wrongly implicated in this case since she happens to be the sister of A2. He would further submit that the petitioner has no previous case against her. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side) would submit that the



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petitioner along with the other accused conducted illegal lottery and cheated the public. He would further submit that the petitioner is the sister of the A2 and A1 and A2 have conducted illegal lottery and the petitioner has assisted them in selling the lottery. He would further submit that A1 and A2 have been detained under Tamil Nadu Act 14 of 1982. However, he vehemently opposed to grant anticipatory bail to the petitioner.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

7.Taking into consideration the facts and circumstances and that no previous case is pending against the petitioner and also considering the fact that A1 and A2 were detained under Tamil Nadu Act 14 of 1982, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the ***Judicial Magistrate Court, Salem No.II***, on condition that the petitioner shall execute a bond for a sum



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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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, 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 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 269 BNS.

07.11.2024

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