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CrI.O.P.No.28583 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.29583 of 2024

1.C.Palani Kumar

2.D.Kumar

... Petitioners

Vs.

State, represented by

The Station House Officer,

Grand Bazar Police Station (Crime No.214 of 2024)

Puducherry District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 481 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime No.214 of 2024 on the file of the respondent Police.

For Petitioners : Mr.N.Rangasamy

For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)
assisted by Ms.N.Danalatchumy

ORDER

Petition seeking bail in respect of Crime No.214 of 2024 registered for the offences punishable under Sections 5, 7(3) of The Lotteries Regulation Act 1998 and Sections 318(4), 3(5) of BNS is on board for consideration.

2.The incarceration of the petitioners being from 06.11.2024 pleading innocence on the part of the petitioners and false implication in the case, learned



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counsel for the petitioners seeks indulgence of this Court. He also submits that the petitioners are no way connected with the alleged offences and they are ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution as putforth by the learned Public Prosecutor (Puducherry) appearing for the respondent police, opposing for grant of bail, is that on 06.11.2024, at about 16.45 hours, the SI of Police attached to the respondent Police Station, who was on para duty, on information that two persons were selling three number lottery tickets near M.G. Road, Chetty Street, went to the spot and found that the petitioners were selling such lottery tickets and arrested them. He further submits that there are two previous cases pending against the petitioners.

4.Having heard the learned counsel for the petitioners and the learned Public Prosecutor (Puducherry) for the respondent Police and perused the materials available on record, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned Chief Judicial Magistrate V, Puducherry, and on further conditions that:



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[a] 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks, and thereafter, on every Saturday at 10.30 a.m., until further orders;

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

[d] the petitioners shall not tamper with evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 of B.N.S.

26.11.2024

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A.D.JAGADISH CHANDIRA., J.
sai

1. The Chief Judicial Magistrate No.V,
Puducherry.
2. Station House Officer,
Grand Bazar Police Station,
Puducherry District.
3. The Superintendent,
Central Prison,
Puducherry.
4. The Public Prosecutor,
High Court of Madras.

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