

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY ,THE 31ST DAY OF AUGUST 2018 / 9TH BHADRA, 1940

Bail Appl..No. 5573 of 2018

CRIME NO.728/2018 OF HOSDURG POLICE STATION, KASARAGOD DISTRICT

PETITIONER/1ST ACCUSED:

VINAYAKRISHNAN P. ,
S/O. RAMAKRISHNA, AGED 32 YEARS,
RESIDING AT SOUBHAGYA, THEERTHAMKARA,
PADANNA P.O. , HOSDURG TALUK,
KASARAGOD DISTRICT.

BY ADVS.
SRI. T. MADHU
SMT. C.R. SARADAMANI

RESPONDENT/STATE:

THE STATE OF KERALA THROUGH THE STATION HOUSE OFFICER,
HOSDURG POLICE STATION, KASARAGOD DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.

MR.C.N.PRABHAKARAN, SENIOR PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31.08.2018, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

This application is filed under Section 438 of the Cr.P.C.

2. The applicant herein is the 1st accused in Crime No.728 of 2018 registered at the Hosdurg Police Station, under Section 7(3) of the Lotteries (Regulation) Act, 1988.

3. The applicant along with the 2nd accused are alleged to have run a private business akin to a lottery by offering prizes to the subscribers. According to the prosecution, the modus operandi was for the applicant to collect a sum of Rs.10/- from various persons and he would transfer the collected amount to the 2nd accused. They would wait for the results of the Kerala Lottery and the subscriber who correctly predicts the last three numbers of the winning lottery ticket would be awarded the prize amount of Rs.10,000/-.

4. The learned counsel appearing for the applicant submitted that it is on vague allegations that the applicant has been roped in as an accused. According to the learned counsel, the provisions of the Lotteries (Regulation) Act, 1988 or the Kerala State Lotteries and On-

Line Lotteries Regulation Rules, 2003, can have no application in the instant case.

5. The learned Public Prosecutor has opposed the prayer. It is submitted that the transactions were being carried out using mobile phones and computers and the applicant herein was running the business with the 2nd accused. It is submitted that the 2nd accused has already been arrested.

6. I have considered the submissions advanced and have gone through the case diary. Having regard to the nature and gravity of the allegations, the role assigned to the applicant and the materials in support thereof, I am of the view that the custodial interrogation of the applicant is not necessary for an effective investigation.

7. In the result, this application will stand allowed. The applicant shall appear before the Investigating Officer within ten days from today and shall undergo interrogation. Thereafter, if he is proposed to be arrested, he shall be released on bail on his executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum. However, the above order shall be subject to the following conditions:

(i) The applicant shall co-operate with the investigation and shall appear before the Investigating Officer on every Saturdays between 9 A.M and 11 A.M. for a period of two months or till final report is filed whichever is earlier.

ii) He 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/her from disclosing such facts to the court or to any police officer.

iii) He shall not commit any similar offence while on bail.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law.

sd/-

**RAJA VIJAYARAGHAVAN V.,
Judge**

krj

//true copy// P.A. To Judge