

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.1711 of 2017

ORDER:

This criminal petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to grant pre-arrest bail to the petitioner/Accused apprehending his arrest in connection with Crime No.14 of 2017 of RPS Mahaboobnagar Police Station, registered for the offence punishable under Section 354 of the Indian Penal Code, 1860 (for short 'I.P.C.').

The case of the prosecution, in brief, is that the *de facto* complainant - Priyasri Suryanarayana D/o. Suryanarayana lodged a complaint before the Police alleging that on 14.12.2016 at about 9.25 p.m. hours while she was travelling in Venkatadri Express train from Kachiguda to Chittoor, could not get the ticket under reservation, then she approached the petitioner who is working as Chief Ticket Inspector, SCR, Hyderabad, asked him to accommodate II tier A/C. berth, if there are any empty seat under reservation, the petitioner told her that she can share the seat with him which belongs to him by saying so, he allowed her to travel in the A/C. coach. While the train was in movement, the petitioner outraged her modesty, pressed her toe, feet, nails and surface of her feet many a times with his fingers seated closely to her, held her face, brushed her hair, touched her stomach and asked about mehendi and also her ring etc., and thus he outraged her modesty being TTE, who is having control over the A/C. Coach in which she was travelling.

The contention of the counsel for the petitioner that the *de facto* complainant occupied seat meant for the petitioner being TTE without obtaining necessary ticket to travel in the A/C coach and when the

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petitioner requested her to get down from the berth meant for him, she refused and she did not pay the fare and lodged the complaint falsely implicating the petitioner in the offence punishable under Section 354 I.P.C. It is also contended that the petitioner also made a representation to the railway authorities, and he was placed under suspension and later reinstated having found that no material was against him *prima facie* for the said misconduct. Finally, it is contended that the petitioner is ready to face trial, cooperate with the investigating agency to complete the investigation in the matter and prayed to grant pre-arrest bail to the petitioner.

As seen from the allegations made in the complaint, the petitioner being TTE while checking tickets of the passengers travelling in the Coach, took advantage of his official position, made the *de facto* complainant to occupy the seat meant for him and committed all the acts referred above. These acts would *prima facie* attracts the offence punishable under Section 354 I.P.C. Therefore, the petitioner, being a Government servant while discharging his duties as TTE is not supposed to commit such acts and it is not only an offence against individual and against society at large. Therefore, the petitioner does not deserve any sympathy being TTE, having control over the coach. However, the investigation is not completed. Therefore, it is not a fit case to grant pre-arrest bail. Consequently, the criminal petition is liable to be dismissed.

In the result, the criminal petition is dismissed.

M.SATYANARAYANA MURTHY, J

08.03.2017
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