

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.12067 of 2019

C.Baskar

... Petitioner/Accused 2

Vs

The Inspector of Police,
Railway Protection Force,
West Veli Street,
Periyarnilayam,
Madurai 625 001
Crime No. 978/2019.

.... Respondent/Complainant

For Petitioner : M/s.W.Pamelin,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory bail in Crime No.978/2019 on the file of the
respondent police .

O R D E R: The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Section 143(1)
(a) of the Railway Act, in Crime No.978 of 2019, seeks anticipatory
bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that the petitioner has not committed any offence as
alleged by the prosecution and he has been falsely implicated in
this case. He further submitted that as per the FIR, that the
petitioner herein has illegally engaged in illegal sale and

purchase of railway E-Tickets as a raid was conducted in the shop of the petitioner. He further submitted that the petitioner is not having any bad antecedents.

4.The learned Additional Public Prosecutor has fairly conceded that the petitioner is not having any bad antecedents. He further submitted that there are two accused in this case and the petitioner is arrayed as A2. He further submitted that already A1 was arrested and remanded to judicial custody and subsequently, he was released on bail. He further submitted that the investigation is only at initial stage and hence, she strongly opposed this petition.

5.Considering the fact that the first accused was arrested and remanded to judicial custody and subsequently, he was released on bail and also the fact that no bad antecedents reported against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[6] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Madurai District 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the 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 229A IPC.

sd/-
30/08/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE JUDICIAL MAGISTRATE NO.VI,
MADURAI DISTRICT
 - 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 - 3.THE INSPECTOR OF POLICE
RAILWAY PROTECTION FORCE,
WEST VELI STREET,
PERIYARNILAYAM,
MADURAI 625 001
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S. W. PAMELIN Advocate SR.No.14651

ORDER
IN

CRL OP(MD) No.12067 of 2019
Date :30/08/2019

LS
PK/JC/SAR-3/05.09.2019 : 3P/6C

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