

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Nineteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.6442 of 2020

1 MANISHKUMAR MISHRA

[ PETITIONER / ACCUSED ]

2 DAYA SHANKAR

Vs

STATE REP BY

[ RESPONDENT ]

THE INSPECTOR OF POLICE,  
GOVERNMENT RAILWAY POLICE STATION,  
KATPADI, VELLORE DISTRICT  
( CRIME NO. 96/2019)

For Petitioner : M/S. R.SASIKUMAR Advocate

For Respondent : MR.S.KARTHIKEYAN ADDL.PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

Petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 353 & 506(i) of IPC in Crime No.96 of 2019, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant who is working as Inspector of police in Katpadi Railway Police Station has lodged a complaint before the Respondent police alleging that one Sudhakar being a TTE, has abused, threatened and assaulted the defacto complainant alleging that he failed to carry proper ticket with him. The specific allegation against these petitioners is that the RPF Constables had threatened the defacto complainant to get down from the running train. Hence, the complainant.

3.Learned counsel appearing for the petitioners would submit that the petitioners, who are TTE in Railway Department while on duty in the AC coach of the train at Jolarpet, have asked ticket from the defacto complainant who replied that he is a Railway police. Hence, the petitioners asked him to show his Identity card, but the same was refused by the Defacto complainant and he used unparliamentary language against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. Learned Additional Public Prosecutor would submit that the act of the petitioners was unethical and not lawful. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Even though this Court is not inclined to grant anticipatory bail to the petitioners, in view of the fact that A1 and A2 were also granted bail by this Court by an order dated 16.08.2019 in Crl.O.P.Nos.22044 & 22065 of 2019, the petitioners herein also granted bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before XV M.M.Chennai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 this Court concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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 229A IPC.

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-sd/-  
19/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,  
NO.XV, CHENNAI

2 THE CHIEF METROPOLITAN  
MAGISTRATE, EGMORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

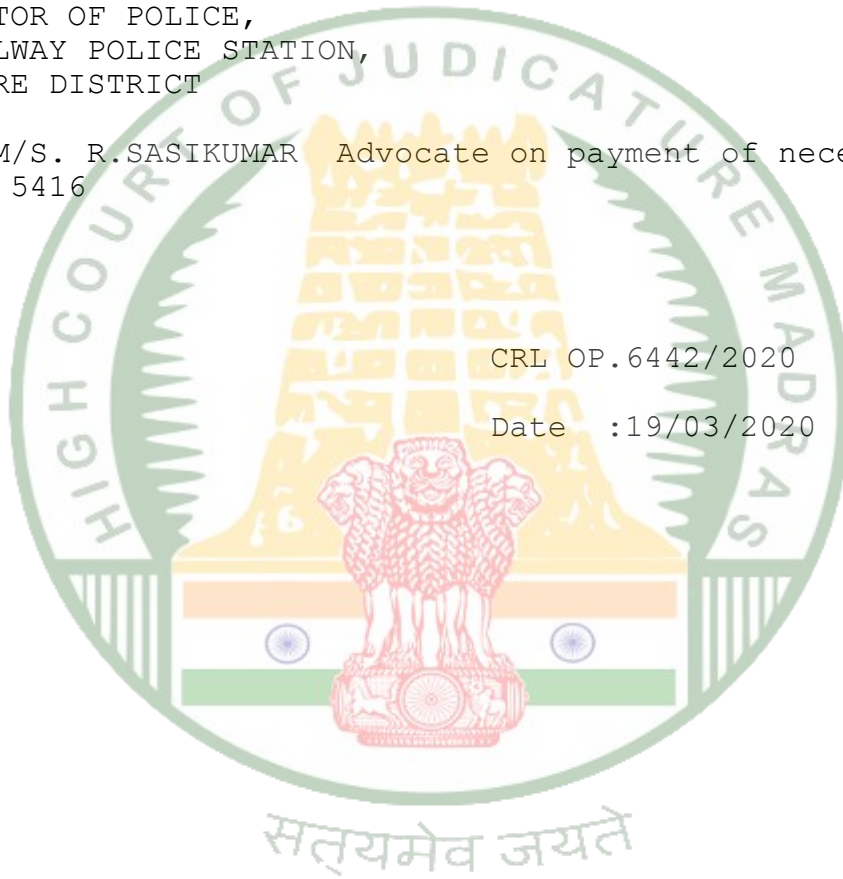
4 THE INSPECTOR OF POLICE,  
GOVERNMENT RAILWAY POLICE STATION,  
KATPADI, VELLORE DISTRICT

+1 CC to M/S. R.SASIKUMAR Advocate on payment of necessary  
charges SR.NO. 5416

CRL OP.6442/2020

Date :19/03/2020

RD 01/06/2020



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