

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.18791 of 2020

N.SenthamaraiKannan

... Petitioner

Vs.

State Rep. by

... Respondent

The Inspector of Police
Railway Police Station
(Trichy Railways)
Virudhachalam
Cuddalore District
(Crime No.25 of 2020)

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on anticipatory bail in the event of their arrest in connection with Crime No.25 of 2020, pending investigation on the file of the respondent.

For Petitioner : Mr.C.Loganathan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under **Section 150(1)(a) of the Railways Act, 1989** in Crime No.25 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a Railway staff. The further allegation is that totally there are two accused in this case and the petitioner herein is A2. The petitioner along with other accused, with the intend to cause accident put the pipe in the railway track. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that A1 in this case has been enlarged on bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that there are two accused in this case and the petitioner is A2. The petitioner along with other accused with the intend to cause accident, put the pipe in the railway track. He would further submit that there is no previous case pending against this petitioner.

5.Taking into consideration of the facts and circumstances of the case and the submissions of the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6.Accordingly, the petitioner is directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.I, Virudhachalam, on condition that the petitioner shall execute a separate 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 Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that;

[a] the petitioner 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 as and when required for 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 abscond, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
01/12/2020

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 JUDICIAL MAGISTRATE,
NO.I, VIRUDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
RAILWAY POLICE STATION (TRICHY RAILWAYS),
VIRUDHACHALAM, CUDDALORE DISTRICT.

+1 CC to M/S LOGANTHAN C. Advocate on payment of necessary charges SR.No 7861

CRL OP.18791/2020

Date : 01/12/2020

MN-07/12/2020

WEB COPY