



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

Date : 14/10/2020

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11339 of 2020

Ramar

... Petitioner/Accused No.2

Vs

The State rep. by
The Inspector of Police,
Railway Protection Police Station,
Virudhunagar District.
(Crime No. 250 of 2020).

... Respondent/Complainant

For Petitioner : M/s.S.M.Anantha Murugan,
Advocate.

For Respondent : Mrs.M.AnanthaDevi,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.250 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is the apprehending arrest at the hands of the respondent police for the offences punishable under Sections 143 (1) (a) of Railways Act, in Crime No.250 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the 1st accused created multiple accounts and booked Thakkal ticket in the Southern Railways and sold the same to the needy persons with profits. Hence, the first accused was arrested and remanded to judicial custody by the respondent police. Based on his confession statement, this complaint has been lodged.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the



4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case based on the confession statement of A1. He further submitted that he is no way connected to the offence as alleged by the prosecution. Hence, he seeks anticipatory bail to the petitioner.

5.The learned Government Advocate (Criminal Side), on instructions, submitted that the 1st accused created multiple accounts and booked Thakkal ticket in the Southern Railways and sold the same to the needy persons with profits. Hence, the first accused was arrested and remanded to judicial custody by the respondent police. Based on his confession statement, this complaint has been lodged as against the present petitioner.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner is arrayed as an accused based on the only confession statement of A1, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate-No.I, Virudhunagar on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood relative 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)the petitioner and the sureties shall affix his 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 his identity;

(b)the petitioner shall report before the respondent police daily at 10.30. a.m for a period of four weeks thereafter, 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 were breached 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]; and;

(f)if the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

sd/-
14/10/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
VIRUDHUNAGAR.
2. -DO- THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
3. THE INSPECTOR OF POLICE,
RAILWAY PROTECTION POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11339 of 2020
Date :14/10/2020

DSS
SRS/ VR/SAR-III/ 20.10.2020/ 3P/5C