

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.19866 of 2020

1.Manishkumar Mishra,
2.Daya Shankar

... Petitioners

Vs.

The State rep. by
The Inspector of Police
Government Railway Police Station,
Katpadi, Vellore District.
Crime No.96 of 2019.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest pending investigation in Crime No.96 of 2019, on the file of the Respondent police.

For Petitioners: Mr.R.Sasikumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 341, 353 and 506 (i) of IPC, in Crime No.96 of 2019, on the file of the respondent/Police, 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.The learned counsel for the petitioners would submit that the petitioners have already been granted anticipatory bail by

this Court in Crl.O.P No.6442 of 2020 dated 19.03.2020. Since the petitioners were unable to execute the sureties within a period of two weeks as directed by this Court, the petitioners moved an application before this Court seeking for extension of time. This Court dismissed the above application granting liberty to the petitioners to file a fresh application. Hence, the present application is filed seeking for anticipatory bail.

4. Heard the learned Additional Public Prosecutor appearing for the respondent.

5. Considering the fact that the petitioners have already been granted anticipatory bail and only due to non-execution of sureties, this Court dismissed the anticipatory bail petition which was already granted, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned XVI Metropolitan Magistrate, Chennai, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 their identity.

[b] the petitioners shall report before the respondent Police daily at 10.30 a.m and 5.30 p.m until further orders.

[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.

-sd/-
11/01/2021

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 XVI METROPOLITAN MAGISTRATE,
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. 418

CRL OP.19866/2020

Date :11/01/2021

MN-20/01/2021