



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.5107 of 2021

Velraj ... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Railway Police Station,
Thoothukudi District
Cr No.8/2021.

... Respondent/Complainant

For Petitioner : Mr.S.Baskarmathuram, Advocate for
M/s.Mathuram Law Associates

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No. 8/2021 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
353, 294(b) and 323 IPC in Crime No.8 of 2021, seeks anticipatory
bail.

2.The case of the prosecution is that on 10.03.2021 while the
defacto complainant, who is working as Gate Keeper in Southern
Railway Department, was on duty, the petitioner along with other
accused tried to cross the railway track. Hence, the defacto
complainant warned them not to cross the track, for which, the
petitioner and other accused scolded the defacto complainant in
obscene words, attacked him and also restraining him from
discharging his duty. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent person and he did not commit any offence
as alleged by the prosecution.

4.The learned Government Advocate(Crl.side) submitted that the
injured person discharged from the hospital and there is no bad
antecedents as against the petitioner.



5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondent.

6. It is seen that on 10.03.2021, when the defacto complainant, who is working as Gate Keeper in Southern Railways, warned the accused while they tried to cross the railway track, due to which, the accused said to have scolded him in obscene words and also attacked him. It is also seen that there is no bad antecedents against the petitioner. Except the offence under Section 353 IPC, other offence are bailable in nature. In these circumstances, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.4, Thoothukudi, 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 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 respondent police daily at 10.30 am., until further orders.

[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 229-A IPC.

sd/-
08/04/2021

/ TRUE COPY /

/ /2021
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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV
TUTICORIN
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN
- 3 THE INSPECTOR OF POLICE
RAILWAY POLICE STATION,
THOOTHUKUDI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.MATHURAM LAW ASSOCIATES Advocate SR.No.3000

ORDER

IN

CRL OP(MD) No.5107 of 2021

Date :08/04/2021

SMA/PN/SAR-1/17/04/2021/3P/6C