



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.03.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5530 of 2022

(*)D.Sudalaimani

... Petitioner/ Sole Accused

Vs

THE STATE REP BY,
The Sub-Inspector of Police,
Virudhunagar Railway Police Station,
Virudhunagar,
Virudhunagar District.
(Crime No.6 of 2022)

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan,Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.6 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323 and 506(1) IPC, in Crime No.6 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant travelled from Tirunelveli to Chennai in the Nellai Express train with a waiting list ticket, the petitioner, who is working as Travelling Ticket Inspector in Southern Railways, asked the defacto complainant to produce the ticket, for which, the defacto complainant told the petitioner that he is having the SMS



for registering the ticket, due to that, some wordy quarrel arose between them and thereafter the petitioner attacked the defacto complainant and abused him in filthy language. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that no one was injured in the incident.

5.Considering the nature of charges levelled against the petitioner and also the facts that no one was injured in the incident, that except the offence under Section 506(1) IPC, all other offences are bailable in nature and that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 No.1, Virudhunagar, Virudhunagar District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar 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 the 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/03/2022

(*) Casue title amended vide order dated 13/04/2022, made in Crl MP(MD)No. 4732/22 in Crl OP(MD) No. 5530/2022 by KMSJ)

(*)Further two weeks time is granted to the petitioner to comply with the conditions imposed by this court from the date of receipt of a copy of this order.

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

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

To be substituted with the order dated 25/03/2022 already despatched.

1 THE JUDICIAL MAGISTRATE NO.I,
VIRUDHUNAGAR.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3 THE SUB INSPECTOR OF POLICE
VIRUDHUNAGAR RAILWAY POLICE STATION,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADRUI.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-3640[I] dated 21/04/2022)

ORDER
IN
CRL OP(MD) No.5530 of 2022
Date :25/03/2022

PKP/PN/SAR-2/01.04.2022/3P/5C

CSM

PKP/SVR/SAR-1/25.04.2022/3P/6C