



Crl.O.P.No.9123 of 2023

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V. LAKSHMINARAYANAN, J.

The petitioner who apprehends arrest for the alleged offences under Sections 3(a) and 4 of the Railway Property (Unlawful Possession) Act, 1966 in Crime No.1 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on the basis of information, the Railway Police Force seized the railway scrap materials from the house of the lady house owner at Door No.15/D2, Arumuganar, Tirupattur, which was transported from Andhra Pradesh to Tamil Nadu. Hence, a case was registered against the accused persons including the petitioner.

3.The learned counsel appearing for the petitioner submits that the name of the petitioner was not mentioned in the FIR and his mobile number only has been mentioned and he was not in the place of occurrence. The respondent police had falsely implicated the petitioner in this case. Hence, he prays to grant anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl. side) submits that the petitioner is A2 and the Railway Police Force seized the railway scrap materials worth about Rs.61,000/- while unloading to the house at Door No.15/D2, Arumuganar, Tirupattur. Hence, he opposed for granting anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory 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 I, Tirupattur*, 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



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learned Magistrate concerned and on further condition that:

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(a)the petitioner is directed to deposit a sum of Rs.61,000/-(Rupees Sixty One Thousand only) to the credit of Crime No.1 of 2022 before the concerned Magistrate within a period of two weeks from the date of receipt of a copy of this order.

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of eight weeks and thereafter, as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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 anticipatory bail by the learned



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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;

(g)if the accused thereafter absconds, a fresh FIR can be registered
under Section 229-A IPC.

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