



Crl.O.P.No.9016 of 2023

Crl.O.P.No.9016 of 2023

K.KUMARESH BABU, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 3(a) and 4 of the RP(UP) Act, 1966 and in Crime No.01/2022, seeks anticipatory bail.

2. The case of the prosecution is that, on secret information, when the respondent police inspected the scene of occurrence, the petitioner was found in unloading the railway materials from the Goods Carrier vehicle, without any authority and shifting the same inside to his house.

3. The learned counsel for the petitioner submitted that the petitioner is working as a Senior Section Engineer/P.Way at Penukonday, Andhra Pradesh and he had not committed any offence, as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that, without prejudice to his case, the petitioner is prepared to deposit a sum of Rs.60,000/- to the credit of Crime No.01/2022, and hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the



Crl.O.P.No.9016 of 2023

WEB COPY

respondent police submitted that the petitioner is A1 and he being the railway employee, has engaged A2 to A6 in loading and unloading the railway materials, unlawfully, for his personal use. He further submitted that, the railway materials, worth about Rs.60,000/- have been seized and hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case and also taking into account the submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, **the petitioner shall deposit a sum of Rs.60,000/- to the credit of Crime No.01/2022, without prejudice to his rights and contentions before the trial Court, before executing the bond** and on such deposit and production of proof, the petitioner is ordered to be released on bail in the event of arrest or on his appearance,



CrI.O.P.No.9016 of 2023

within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate-1, Tirupathur**, 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 Judge/Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photograph 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, 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



WEB COPY



Crl.O.P.No.9016 of 2023

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 229A IPC.

17.05.2023

mst



WEB COPY



Crl.O.P.No.9016 of 2023

K.KUMARESH BABU, J.

mst

Crl.O.P.No.9016 of 2023

17.05.2023