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Crl.O.P.No.31519 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31519 of 2024

Md Faheem

S/o Md. Shamim, Tarsarai Village and Post, Near
Alfy, Digital Printing Dharbanga, Bihar

Petitioner(s)

Vs

Union of India Rep by
Tarsarai Village and Post Near Alfy Digital Printing
Dharbanga Bihar

Respondent(s)

For Petitioner(s):

Kanchan Kar
Mohammed Mudassir Ali

For Respondent(s):

Spl. Public Prosecutor For Rpf

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 143(1)(a) of Railway Act, 1989 in Crime No.1777 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the petitioner along with co-accused had violated the Railway Act and booked tickets and illegally sold the



same for higher price for personal gain. Hence, this case.

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3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and has not committed any offence, as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the main accused was arrested and released on bail in Crl.M.P.No.62 of 2024 dated 06.05.2024 by the learned XX Special Railway Metropolitan Magistrate. He would further submit that the petitioner is ready to abide by any condition, that may be imposed by this Court and also to appear and co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting anticipatory bail to the petitioner, stating that the petitioner along with other accused had booked 31 nos. of railway tickets and illegally sold the same to other for higher price. He also submitted that the petitioner has no previous case and the co-accused was arrested and enlarged on bail.

5. Heard the learned counsel for the petitioner and the learned



Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering that the petitioner has no previous case and the co-accused was granted bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 on which the order copy made ready, before **the learned XX Special Railway Metropolitan Magistrate, Allikulam Complex at Chennai** on condition that the petitioner shall execute a separate bond for a sum of **Rs.15,000/- (Rupees Fifteen 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, the petition for anticipatory bail shall stand dismissed 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.

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[b] the petitioner shall report before the respondent police everyday at 10:30 a.m., for a period of two weeks and thereafter, 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 entitled to take appropriate action against the petitioners 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 269 of B.N.S.

18.12.2024

stn

To

1. Union of India Rep by
Tarsarai Village and Post Near Alfya Digital Printing



Dharbanga Bihar

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Crl.O.P.No.31519 of 2027

A.D. JAGADISH CHANDIRA, J.

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