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Crl.OP.No.23237 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2025

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THE HONOURABLE Dr.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.23237 of 2025

Pankaj Sharma

... Petitioner

Vs.

State rep by
The Inspector of Police,
Chidambaram Railway Police,
Cuddalore District.
(Cr.No.46 of 2025)

... Respondent

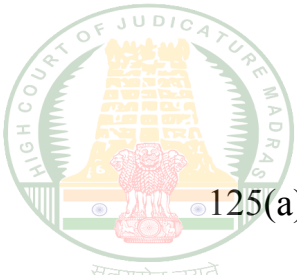
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, to enlarge the petitioner on bail in Crime No.46
of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Ajay Vigneswar Rao

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioner herein was arrested on 08.07.2025 in connection with
Crime No.46 of 2025 for the alleged offence under Sections 105, 106,



125(a) and 125(b) of BNS Act, 2023 and Section 151 of the Indian Railways Act, 1909.

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2.The petitioner herein, who is a Gate Keeper at the level crossing between Cuddalore Port and Aalapakkam railway station, due to his negligence had failed to close the gate while an express train passing through the level crossing. Unnoticing about the train proceeding, a school van had crossed the level crossing and got in the accident. In the said accident three children died and many got injured. The petitioner was arrested on 08.07.2025 for his gross negligence.

3.The learned counsel appearing for the petitioner would submit that the petitioner herein initially placed under suspension and later after completion of disciplinary proceeding, he had been removed from the service. His continuous incarceration will highly prejudice to his fundamental right and submit that the petitioner is ready to cooperate with the investigation.



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4. Taking note of the fact that the prosecution has completed the investigation and filed final report, which has been taken on file as PRC No.5 of 2025 by the learned Judicial Magistrate - I, Chidambaram and taking note of the fact that investigation has been completed and the custody of the petitioner is no more required, this Court is inclined to grant bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with **two sureties, out of which, one surety must be a blood surety**, each for a like sum to the satisfaction of the learned **Judicial Magistrate-I, Chidambaram**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] **the petitioner shall report before the Judicial Magistrate – I, Chidambaram on First Monday and Third Monday of every English Calender Month at**



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10.00 a.m., until further orders;

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

[d] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

03.09.2025

smv

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

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To

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1. The Judicial Magistrate – I, Chidambaram
2. The Inspector of Police,
Chidambaram Railway Police,
Cuddalore District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN, J.

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