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CRL OP No. 19433 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 19433 of 2026

1. Banu (Transgender)
2. Sundari (Transgender)
3. Radha (Transgender)
4. Raghavi (Transgender)
5. Shambavi (Transgender)
6. Kutti Sri @ Kalaivani (Transgender)
7. Kuttima @ Abdul Rajjak (Transgender)

..Petitioner(s)

Vs

The State Rep by The Inspector of Police
S-1, St.Thomas Mount Police Station,
Chennai.
Crime no.165 of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on Anticipatory Bail in the event of their arrest, pending investigation in Crime no.165 of 2026 on the file of the S-1 St.Thomas Mount Police Station, Chennai.

For Petitioner(s): M/S. R S MANOJ KUMAR

For Respondent(s): MR.N.PALANIVEL, GOVT.ADVOCATE
(CRL.SIDE)



ORDER

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The petitioners, who apprehend arrest for the alleged offence **under Sections 191(2), 191(3), 333, 305(a) and 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023 read with Section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act (TNPPDL Act) and thereafter, during the course of Investigation, the respondent police altered the provisions of law and invoked Sections 132, 191(2), 191(3), 333, 351(3) and 238 of the BNS, read with Section 3 of the TNPPDL, Act, in Crime No.165 of 2026, on the file of the respondent police, seek anticipatory bail.**

2.The case of the prosecution is that the petitioners, along with other accused persons trespassed into the defacto complainant's house and committed theft of Rs.7,00,000/-, 33 sovereigns of gold and 1.5 kgs of Silver articles. Hence, the case.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and the said occurrence took place on 16.06.2026. He further submitted that the co-accused had already granted bail by this Court in Crl OP No.18347 of 2026 dated 14.07.2026. He would also submit that although a case of theft was initially registered against the petitioners, the sections were later altered by deleting the allegation of theft. Therefore, the only remaining



allegations against the petitioners are that they caused damage and also trespassed into the defacto complainant's house. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) for the respondent police strongly opposed the grant of anticipatory bail to the petitioners and fairly submitted that the charge against the petitioners under Section 305(a) of the BNS, 2023 was removed. He stated that the allegations against the petitioners are only under Sections 132, 191(2), 191(3), 333, 351(3) and 238 of the BNS, read with Section 3 of the TNPPDL, Act.

5.Although there is an allegation of trespass into the defacto complainant's house, no one was injured. Considering the above factual position, this Court is of the firm view that the custodial interrogation of the petitioners is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the learned Judicial Magistrate-1, Alandur, Chennai, on condition that the petitioners shall execute a separate bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each,



with two sureties each, for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

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(a) If the petitioner(s) fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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 identify proofs to ensure their identity;

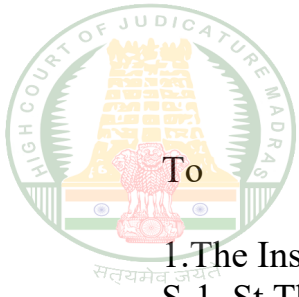
(c) the petitioners shall stay at Chengalpattu and report before the D1-Chengalpattu Town Police Station everyday at 10.30 a.m., for a period of two weeks;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner(s) in accordance with law as if the conditions have been imposed and the petitioner(s) released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]*;

(e) If the petitioner(s) thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

22-07-2026

GBI



To

1. The Inspector of Police
S-1, St. Thomas Mount Police Station,
Chennai.
2. The Judicial Magistrate-I, Alandur, Chennai.
3. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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