



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8087 of 2020

1. OVIYA
2. REGINA
3. KALAIVANI
4. SUMITHRA
5. SHELIN BOMMURAJ
6. NETHRA
7. GABRIEL
8. PAVITHRA
9. FERAH B.SAMNASH
10. DHANSHIKA
11. SIVANYA
12. MUMITHA

... PETITIONERS/ACCUSED
A-1 & OTHERS RANK NOT KNOWN

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION,
KARUR.
CRIME NO.837 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioners : M/s.M.Vinoth Raj,
Advocate.

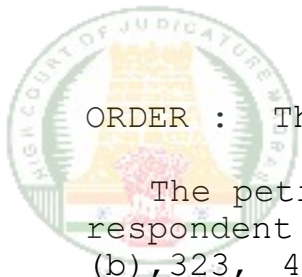
For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Cr.No837 of 2020 on the file of the
respondent police.

<https://hcservices.ecourts.gov.in/hcservices/>



ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294 (b), 323, 427, 448, 355, 506(i) and 379 of IPC, seek anticipatory bail.

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2. Heard both sides.

3. The petitioners herein are transgender. Earlier a criminal case has been foisted against two friends of the petitioners for theft of Rs.4000/- from an Advocate. Subsequently in support of that incident the defacto complainant has posted messages in the facebook. Hence the petitioners said to have attacked the defacto complainant and also damaged the articles of the defacto complainant shop worth Rs.50,000/- and also stolen two sovereigns of gold from the defacto complainant.

4. The learned counsel for the petitioners would submit that due to previous enmity a false case has been registered against the petitioners. He would also submit that the petitioners herein have filed an undertaking affidavit before the respondent police that they will never indulge in any offences again.

5. The learned counsel for the intervenor would submit that the petitioners herein attacked the defacto complainant and also damaged the articles of the defacto complainant shop worth Rs.50,000/- and also stolen two sovereigns of gold from the defacto complainant.

6. The learned Additional Public Prosecutor would submit that the petitioners said to have attacked the defacto complainant and also damaged the articles of the defacto complainant worth Rs.50,000/- and also stolen two sovereigns of gold from the defacto complainant.

7. Taking into consideration the facts and circumstances of the case and also taking into consideration the undertaking given by the petitioners before the respondent police, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Karur on condition that the petitioners shall execute a 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



(a) the petitioners are directed to deposit a sum of Rs.25,000/- to the credit of Crime No.837 of 2020 before the Judicial Magistrate No.I, Karur without prejudice to their defence and only on such deposit the learned Magistrate shall accept the sureties

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(b) the petitioners 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;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

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

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]***; and;

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

sd/-
26/08/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE JUDICIAL MAGISTRATE NO.I,
KARUR.

<https://hcservices.ecourts.gov.in/hcservices/>



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.

3 THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION, KARUR.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.VINOTH RAJ Advocate SR.No.6127

ORDER

IN

CRL OP(MD) No.8087 of 2020

Date :26/08/2020

AAV

JM/VR/SAR 2/28.08.2020/4P/6C