



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.8492 of 2020

1. GOPIKA @ GOPI
2. MANI @ MANIKANDAN ... PETITIONERS/ACCUSED

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION,
CRIME NO. 829 OF 2020. ... RESPONDENT/COMPLAINANT

For Petitioners : M/s.S.Thirupathy,
Advocate.

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

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

PRAYER :-

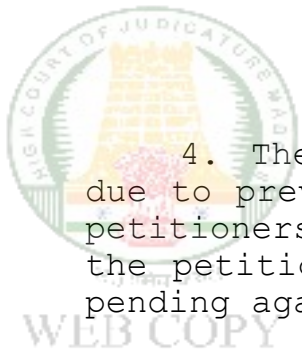
For Anticipatory Bail in Crime No. 829 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Section 379 of
IPC, seek anticipatory bail.

2. Heard both sides.

3.The petitioners herein are transgender. The case of the
prosecution is that the petitioners herein said to have waylaid the
defacto complainant and also demanded money from him and when the
defacto complainant gave Rs.10/- to the petitioners, at that time
the petitioners have stolen Rs.4000/- from the two wheeler of the
defacto complainant and ran away from the scene of occurrence. Hence



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 no amount was recovered from the petitioners. He would also submit that the no previous case is pending against the petitioners.

5. The learned Additional Public Prosecutor would submit that the petitioners have stolen Rs.4000/- from the two wheeler of the defacto complainant and ran away from the scene of occurrence. He would also submit that no previous case is pending against the petitioners.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that no amount was recovered from the petitioners and also the fact that no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 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;

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

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

(d) the petitioners 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 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;



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

sd/-
26/08/2020

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/ /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.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.
- 3 THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8492 of 2020
Date :26/08/2020

aav
JM/VR/SAR 3/28.08.2020/3P/5C