



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Seventh day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.4793 of 2022

1 SOWANTHARIYA
2 ANANDHI

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE SUB INSPECTOR OF POLICE,
VIRINCHIPURAM POLICE STATION,
VELLORE DISTRICT.
CRIME NO.30 OF 2022.

[RESPONDENT]

For Petitioner : M/S. W.CAMYLES GANDHI Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323 and 506(i) of IPC, in Crime No.30 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The First Information Report registered by the respondent police indicates that there was a family dispute, where the first petitioner's sister had consumed tablets owing to the matrimonial dispute. Therefore, the petitioners and others have gone to the house of the defacto complainant and questioned him, due to which, the defacto complainant consumed Mercury poison. Hence, the complaint.

3. The learned counsel appearing for the petitioners states that both the petitioners are transgenders and they only went to the house of the defacto complainant to question about his contact which has led to consumption of tablets by their sister.



4. The learned Government Advocate (Crl.Side) for the respondent Police states that the defacto complainant who was consumed Mercury now discharged from the hospital.

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5. Taking note of the fact that there was a domestic quarrel which led to the registration of this complaint and there is no serious crime has been committed by the petitioners. More particularly, the defacto complainant, who had consumed Mercury, now discharged from the hospital on recovery. Hence, this Court is inclined to grant anticipatory bail to the petitioners with 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 seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate IV, Vellore, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand Only), with two sureties, each for a like sum to the satisfaction of the learned Magistrate, failing which the anticipatory bail shall stand canceled 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall stay at Vellore and report before the Inspector of Police, South Police Station, Vellore, daily at 10.00 a.m., for a period of thirty (30) days and thereafter as and when required for interrogation.

(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
07/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.IV, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
VIRINCHIPURAM POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SOUTH POLICE STATION,
VELLORE.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO. 3468

CRL OP.4793/2022

Date :07/03/2022

RW 11/03/2022