



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

Date : 01/09/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15773 of 2022

Thangadurai @ Vivek

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Balamedu Police Station,
Madurai District.
(Crime No. 122 of 2022).

... Respondent/Complainant

For Petitioner : M/s.CHANDRASEKAR.R,
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 122 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 417,506(i) of IPC and 18(d) of Transgender Persons (Protection of Rights) Act in Crime No.122 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant version is that she was married to the accused five years back and they were living together and later by surgery she became transgender. Later the accused was married to some other girl and on that basis a case has been registered.

3.The learned counsel for the petitioner would submit that the petitioner married another girl on 09.06.2022 and at that time the defacto complainant also attended the marriage the gave some gift also, which is also not disputed. According to him there was some sort of dispute with regard to the poojariship, hence the defacto complainant had lodged this false complaint.

4.The learned Government Advocate (Crl.Side) submitted that the defacto complainant attended the marriage of the petitioner and also gifted.



5. Considering the nature of offence, and also the de facto complainant attended the marriage of the accused and offered some gift to the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Vadipatti, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed. During the course of investigation if any custodial interrogation is required the respondent police is at liberty to approach the concerned Court.

sd/-

01/09/2022

/ TRUE COPY /

08/09/2022

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

TO

1 THE JUDICIAL MAGISTRATE, VADIPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
BALAMEDU POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S.J.SULTHAN BASHA, Advocate SR.No.9427

ORDER

IN

CRL OP(MD) No.15773 of 2022

Date :01/09/2022

AAV

SA/SVR/SAR.4/08.09.2022/2P/6C