



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.21912 of 2022

Karthiga

... Petitioner/Accused No.1

-vs-

The State represented by
The Inspector of Police,
Contonment Police Station,
Trichy District.
(in Cr.No.1598 of 2022)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of her arrest by the respondent Police with respect to Cr.No.1598 of 2022.

For Petitioner	: Mr.R.Alagumani, Advocate
For Respondent	: Mr.M.Veeranthiran
	Government Advocate (Crl.side)

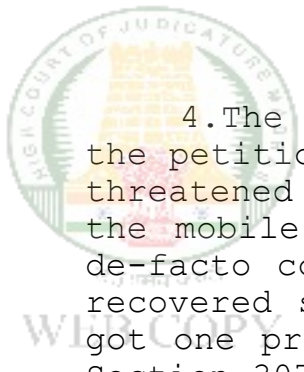
O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 352, 392, 397 and 506(ii) IPC in Crime No.1598 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 29.09.2022 at about 04.15 am., the petitioner along with other accused had threatened the de-facto complainant with knife and had taken away the mobile phone and also snatched an amount Rs.19,000/- from the de-facto complainant. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is a transgender and she is an innocent and a false complaint has been given. He would also submit that the very reading of the FIR would go to show that a case has been foisted for the purpose of invoking the detentions under Act 14 of 1982 against the petitioner. He would also submit that the respondent has registered the present case only to curtail the activity of the petitioner. He would also submit that A2 was arrested and released on bail. He would also submit that the petitioner is ready to abide

<https://www.mhcn.org.in/> contingent conditions imposed on her.



4.The learned Government Advocate (Crl.side) would submit that the petitioner is a transgender and she along with other accused had threatened the de-facto complainant with knife and had taken away the mobile phone and also snatched an amount Rs.19,000/- from the de-facto complainant. He would also submit that the amount is not recovered so far. He would further submit that the petitioner has got one previous case registered against her for the offence under Section 307 IPC.

5.Taking into consideration the facts and circumstances of the case and also the perusing the materials available including the FIR, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Trichirapalli, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent police everyday at 10.30 a.m., and 06.30 p.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

12/12/2022

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/12/2022

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



TO

1. THE JUDICIAL MAGISTRATE NO.II,
TRICHIRAPPALLI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHIRAPPALLI DISTRICT.
3. THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION, TRICHY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.21912 of 2022
Date :12/12/2022

cmr
USK/SSS/SAR-I/22.12.2022/3P/5C