



Crl.O.P.No.3207 of 2023

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323 and 506(ii) of IPC @ Section 294(b), 323 and 506(ii) of IPC, Section 18(d) the Transgender Persons (Protection of Rights) Act, 2019 in Crime No.7 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners in a drunk mood teased the defacto complainant, who is a transgender and her friends and when the same was questioned, the petitioners attacked the defacto complainant in her stomach causing injuries. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case and they have not committed any such offence as alleged by the prosecution. He would further submit that without prejudice their rights, they would ready to deposit some amount to the credit of Crime No.7 of 2023. Hence, he prays to



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grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioners in a drunk mood teased the defacto complainant, who is a transgender and her friends and when the same was questioned, the petitioners attacked the defacto complainant in her stomach causing injuries. He further submits that the second petitioner is the son of the first petitioner. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels and also the fact that the petitioners without prejudice their rights, ready to deposit some amount to the credit of crime No.7 of 2023, 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 fifteen (15) days



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from the date of receipt of a copy of this order before the *learned Judicial Magistrate No.V, Coimbatore*, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), each 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 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 deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) totally to the credit of Crime No.7 of 2023, before the concerned Magistrate within a period of two weeks from the date on which the order copy made ready and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of Rs.10,000/- on filing undertaking affidavit and proper identification and acknowledgment;**

[c] **the first petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four**

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weeks and the second petitioner shall appear before the respondent police as and when required for interrogation;

[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 has been imposed and the petitioners is 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;

14.02.2023

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