



Crl.O.P.No.5754 of 2023

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A. D. JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC, in Crime No.4 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners, who are transgenders have robbed an amount of Rs.12,000/- from the pocket of the defacto complainant. Hence, the case.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He submitted that the main accused in this case have been arrested and also enlarged on bail dated 08.02.2023 in Crl.MP.No.3635 of 2023 on the file of the learned 14th Metropolitan Magistrate, Egmore, Chennai. He further submitted that the cash has been recovered from them. Thereby, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl.side) submitted that the petitioners, who are transgenders have robbed an amount of Rs.12,000/- from the pocket of the defacto complainant. Thereby, he vehemently opposed the grant of anticipatory bail to the petitioners.

5.Heard the learned counsel appearing for the petitioners as well as the learned Government Advocate (Crl.side) appearing for the respondent and perused the materials available on record.

6.Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7. 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 from the date on which the copy of the order is made ready, before **the learned V Metropolitan Magistrate, Egmore, Chennai,** on



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condition that the petitioners shall execute a separate 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 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 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.

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[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]***.

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

8.With the above directions, this Criminal Original Petition is ordered.

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16.03.2023

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