



Crl. O.P. No.21707 of 2024

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P. DHANABAL.J.,

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The petitioner / Accused who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 126(2), 296(b), 118(1), 351(3) of B.N.S. 2023 read with Section 5 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act 1992 in connection with the Cr. No.814 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 27.08.2024, the defacto complainant, along with one Mahalakshmi, a transgender, while returning in a car bearing Registration No.TN05 BY 9882, at around 9.45 p.m., the accused persons blocked the car and attacked them using steel rods and wooden logs, that they also damaged the car and due to the attack, the said Mahalakshmi was severely injured. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent, that she is not a named accused, that she has not committed any offence as alleged by the respondent police, that injury is not grievous and only simple injury, that she has been falsely implicated in this case and hence he prayed to grant anticipatory bail to the



Crl. O.P. No.21707 of 2024

petitioner.

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4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that the petitioner and the defacto complainant are transgenders, that the petitioner along with other accused, damaged the car of the defacto complainant to the worth about Rs.50,000/- and the injured person had sustained injury and taken treatment due to the attack made by the accused using steel rods and wooden logs and investigation is pending. Hence he objected for the grant of anticipatory bail. Further he submitted that injured person was discharged from the hospital and no previous case is pending against the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the arguments putforth on either side, considering the fact that the petitioner is arrayed as an accused based on the confession statement given by the co-accused, that the petitioner is not a named accused, that injured was discharged from the hospital and that no previous case is pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:



Crl. O.P. No.21707 of 2024

WEB COPY

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **X Metropolitan Magistrate, Egmore, Chennai-8** 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 on further condition that:

[a] the petitioner shall report before the respondent police on everyday at 10.00 a.m. for a period of 30 days and thereafter as and when required for interrogation.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[d] the petitioner shall not abscond either during investigation or trial.



Crl. O.P. No.21707 of 2024

WEB COPY

[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 269 B.N.S.2023.

05.09.2024

mjs

To

- 1.The X Metropolitan Magistrate, Egmore, Chennai-8.
- 2.The Sub-Inspector of Police, P2 Otteri Police Station, Chennai.
- 3.The Public Prosecutor, High Court, Madras.



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