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CRL OP No. 18233 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 18233 of 2025

MALIKA

Petitioner(s)

Vs

The State Rep by, The Inspector of Police,
H-5, New Washermenpet Police Station,
Washermenpet, Chennai.

Respondent(s)

PRAYER

This petition is filed under Section 483 of BNSS to enlarge the petitioner on bail in Cr.No.859/2025 on the file of the H-5, New Washermenpet Police Station, Chennai.

For Petitioner(s): Mr.R.Prabhakaran

For Respondent(s): Mr.A.Gokulakrishnan,
Additional Public Prosecutor.



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 27.05.2025, for the offence punishable under Sections 194 and was altered to Section 103(1) of BNSS 2023 in connection with Crime No.859 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that originally, the case was registered as suspicious death and subsequently, two persons were taken on custody based on the statement given by the neighbours of the scene of crime. On investigation, it is found that one suspect Nandhini has not involved in the above occurrence. As per the statement of the witnesses, the petitioner herein has sustained injury on her ear when there was altercation between the petitioner and the deceased. Infuriated by that, the petitioner has pushed the deceased down and stomped on his neck, thereby caused asphyxia death. Hence, the case

3. The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case and there is no previous case against the petitioner. The learned counsel further submitted that



the petitioner is a Transgender and she is working in an organization by name

Born to Win, working for the upliftment of Transgender community, and she is

suffering incarceration from 27.05.2025, she has no previous bad antecedence

and now she is ready to abide by any stringent condition that may be imposed

by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that the case is under investigation, at this stage, if the petitioner is released on bail, there are every possibilities for tampering the witnesses and hampering the investigation, thereby, he strongly opposed to grant bail to the petitioner.

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

6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, and the period of incarceration undergone by the petitioner, this Court is inclined to



grant bail to the petitioner with certain conditions.

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7. Accordingly, the petitioner is ordered to be released on bail on her executing 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 XV MM, George Town, Chennai** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent Police, on everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;



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[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

25-06-2025

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Index: Yes/No

Speaking/Non-speaking order

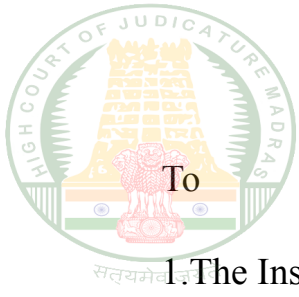
Internet: Yes

Neutral Citation: Yes/No

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



To

1. The Inspector of Police,
H-5, New Washermenpet Police
Station, Washermenpet, Chennai.

2. The XV MM, George Town,
Chennai.
3. The Puzhal Prison (Women),
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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