



CRL OP(MD). No.1649 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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1. Esakkipandi @ Nithika @ Nithika Sri,
S/o.Vijayakumar,
No.28, Uthayamarthandan Street,
Kalakkad,
Tirunelveli District..

2. Ganesan @ Kannika Sri,
No.16, Ramalingam Street,
Sadaiyappapuram,
Mukkudal,
Tirunelveli District..

... Petitioners/ Accused No.1 & 3

Vs

The State of Tamilnadu,
Rep By,
The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District,
Cr.No.12 of 2025..

... Respondent/Complainant

For Petitioners : Mr.D.S.Haroon Rasheed,
Advocate.



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For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No.12 of 2025 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners / Accused Nos. 1 & 3, who were arrested and remanded to judicial custody on 09.01.2025 for offence under Sections 74, 76, 115(2), 126(2), 133, 191(2), 296(b), 351(3) of BNS, 2023 and Section 4 of TNPWH act in Crime No.12 of 2025, on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the defacto complainant's son was having an affair with Accused No.2's daughter. The defacto complainant advised the daughter of Accused No.2 not to talk with her son. Due to this previous enmity, the accused persons, who are trans-genders are said to have dragged the defacto complainant and stripped her clothes. The Police had to intervene and rescued the defacto complainant. This incident was also captured in the video. There are totally five accused persons in this case and the petitioners have been arrayed as Accused Nos.1 and 3.



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3. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent Police.

4. Taking into consideration the facts and considering the manner in which this incident had taken place and also considering the fact that Accused Nos.2, 4 and 5 were granted anticipatory bail by this Court and the petitioners have suffered incarceration from 09.01.2025 and there are no previous cases against the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions.

5. Accordingly, the petitioners are ordered to be released on bail on their executing 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 learned Judicial Magistrate, Nanguneri and on further conditions that:-

[a] 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.



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[b] the petitioners shall report before the respondent Police every Monday and Friday at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation.

[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.

[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 269 of BNS, 2023.

sd/-
29/01/2025

/ TRUE COPY /

29/01/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG



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TO COPY

- 1 THE JUDICIAL MAGISTRATE
NANGUNERI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE,
KALAKKAD POLICE STATION,
TIRUNELVELI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1649 of 2025
Date :29/01/2025

SS/SAR- /29/01/2025/ 5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023