



CRL OP(MD). No.16894 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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1. Ponmaya @ Pommaia

2. Ramalakshmi

3. Singari @ Alagammal

4. Chinna Pappa @ Lingammal

5. Chinnakkal

... Petitioners/ Accused No.1-5

Vs

The State represented by
The Inspector of Police,
Vadipatty Police Station, Vadipatty,
Madurai District.
(Crime No.320/2023)..

... Respondent/ Complainant

For Petitioner : Mr.T. Vadivelan,
Advocate.

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

For Intervenor : Mr.B.Vinoth Kumar,
Advocate.



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PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

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PRAYER :-

For Anticipatory Bail in Crime No.320/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 5, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324 and 427 of IPC in Crime No.320 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners unlawfully assembled, quarrelled in filthy language, assaulted the defacto complainant and caused damages to his bike shed, threatened with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. There is a case in counter. Counter case has been registered in Crime NO.321 of 2023.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that injured in both the cases have been discharged from the hospital.



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5. On 19.09.2023, when the matter was taken up for hearing, it was submitted that the first petitioner in this case was arrested and the matter become infructuous in respect of the first petitioner. Therefore, **this petition was dismissed as infructuous in respect of the first petitioner on that day.**

6. However, there was a direction to make a spot visit and assess the damage. In view of the submissions made by the learned Government Advocate (Crl. Side), this Court is inclined to grant anticipatory bail to the petitioners on condition of payment.

7. Accordingly, **this Criminal Original Petition is allowed in respect of the petitioners 2 to 5 on condition that the petitioners 2 to 5 shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Cr.No.320 of 2023 before the trial Court concerned,** towards the cost to the damages, without prejudice to their rights and contentions before the trial Court. The defacto complainant is at liberty to withdraw the above said amount by following appropriate procedure.

8. On such deposit being made, the petitioners 2 to 5 are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial



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Magistrate, Vadipatty, 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 learned Magistrate concerned and the petitioners 2 to 5 shall stay away from the place of occurrence and appear before the learned Judicial Magistrate No.I, Madurai, daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioners 2 to 5 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
26/09/2023

/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM

TO

- 1 THE JUDICIAL MAGISTRATE,
VADIPATTY.
- 2 THE JUDICIAL MAGISTRATE NO.I
MADURAI.



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3 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

4 THE INSPECTOR OF POLICE
VADIPATTY POLICE STATION, VADIPATTY,
MADURAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.T.VADIVELAN, Advocate (SR-14351[I] dated 27/09/2023)

ORDER
IN

CRL OP(MD) No.16894 of 2023

Date :26/09/2023

SS/MGA/06/10/2023/5P/7C

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