



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/03/2021

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.3366 of 2021

Ajif Irshanth @ Asip Irsar

... Petitioner/Accused No.2

Vs

State Represented by
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
Crime No.02/2020.

... Respondent/Complainant

For Petitioner : Mr.M.Kaushikan,
Advocate.

For Respondent : Mr.A.Robinson (Crl.Side),
Government Advocate (Crl.Side)

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

PRAYER :-

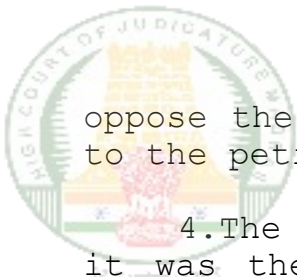
For Anticipatory Bail in Crime No. 2 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is implicated in the instant Crime No.02 of 2020 for the offences under Sections 147, 148, 294(b), 323, 324, 506 (ii), 364 and 307 of I.P.C. When he earlier filed a petition for anticipatory bail, the same was dismissed on 29.01.2020, since it was submitted by the prosecution that the petitioner had caused severe head injury and that the victim was in hospital for more than twelve days. Of-course, investigation is over and the final report has been filed and it has also been taken on file by the committal Court.

3.The learned Government Advocate(Crl.side) would submit that except the final report filed by the respondent, there is no other change in circumstance. The learned Government Advocate would also



oppose the grant of relief by pointing out the overt act attributed to the petitioner.

4.The learned counsel appearing for the petitioner states that it was the petitioner who took the victim to the hospital. The petitioner is now ready to pay a sum of Rs.25,000/- towards medical expenditure of the victim. The petitioner also states that he will appear before the Committal Court on the next hearing date and that he would extend his fullest co-operation not only during the committal proceedings but also during the trial.

5.The undertaking given by the petitioner through his counsel is also placed on record. Though the petitioner is said to be having a previous case, it is only under Section 506 of IPC. Therefore, taking note of the offer made by the petitioner, anticipatory bail is granted. I make it clear that the payment of a sum of Rs.25,000/- by the petitioner to the victim will be without prejudice to the petitioner's defence in the trial. It will of-course be a non refundable payment. The petitioner will take a demand draft for a sum of Rs.25,000/- favouring the victim and hand over the same to the respondent police. The respondent police will in-turn hand it over to the victim (Siva) after taking acknowledgment.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Ramanathapuram District, and on his 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 Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
03/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



TO

1. THE JUDICIAL MAGISTRATE No.II,
RAMANATHAPURAM DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3366 of 2021
Date : 03/03/2021

RMI
TK/SMA/SAR.3/17.03.2021/3P/5C