



CRL OP(MD). No.13938 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13938 of 2023

Eshwaran

... Petitioner/ Accused Rank not known

Vs

The State represented by
The Inspector of Police,
Idol Wing CID,
Madurai Rang, South Zone,
Madurai.
Crime No.495 of 2015.

... Respondent / Complainant

For Petitioner : M/s.R.SRINIVASAN, Advocate

For Respondent : Mr.B.NAMBISELVAN
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.495 of 2015 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 380(2), 457(2), 411, 414 of IPC



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in Crime No.495 of 2015, on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution as per the defacto complainant's version is that he is working as a Poojari in Arulmigu Viduthal Udaia Ayyanar Temple and Arulmighu Srinivasa Perumal Temple. He used to close the temple in evening after performing the pooja. On 30.12.2015 at about 7 p.m., he closed the temple and on 31.12.2015 at about 6 a.m., he was informed by the villagers that the temple doors were found broken. So along with some village people, he went to the temple and found three idols and other pooja articles, found missing in Sri Perumal Temple and so far as the Ayyanar temple is concerned, a bronze place was found missing. Finding that some one has stolen the said idols and articles, he made a complaint.

3. The learned counsel for the petitioner would submit that no material has been collected during the course of investigation to implicate him. He has added as an accused on the basis of the confession statement of one of the co-accused.

4. Per contra, the learned Additional Public Prosecutor would submit that on a single day, a serious of theft, several temples were broken idols and other valuable articles were stolen. Those things were transported to Kerala.

5. Perusal of CD file shows that when the stolen idols were transported to Kerala for the purpose of testing, in the midway, that was intercepted and the idols were recovered. Only at that time, the involvement of this petitioner came to light.



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Apart from that the petitioner is also facing similar offence. It is seen that sufficient materials have been collected in the course of investigation to implicate this petitioner also.

6. Since a serious and sensitive issue involving interstate smuggling of stolen idols, the petitioner is not entitled for any discretionary relief. He has to surrender before the respondent, subject him to custodial interrogation to bring out the truth. I find no reason to entertain this Criminal Original Petition.

7. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
31/07/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN
TO

1 THE INSPECTOR OF POLICE,
IDOL WING CID,
MADURAI RANG, SOUTH ZONE,
MADURAI.

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



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ORDER
IN
CRL OP(MD) No.13938 of 2023
Date :31/07/2023

SA/BUC/SAR. /21.08.2023/4P/3C

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