



Crl.OP(MD)No.20661 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 12/12/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.20661 of 2023

Eshwaran

... Petitioner/Rank Not Known

Vs.

The Inspector of Police,
Idol Wing CID,
Madurai Range,
South Zone,
Madurai.
(Crime No.495 of 2015)

... Respondent/Complainant

For Petitioner	:	Mr.R.Srinivasan, Advocate
For Respondent	:	Mr.R.M.Anbunithi 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, who is arrayed as an accused apprehends arrest at the hands of the respondent police for the offences punishable under sections 380(2), 457(2), 411 and 414 of IPC, in Crime No.495 of 2015 on the file of the respondent police, seeks



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anticipatory bail.

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2.The case of the prosecution, as per the de-facto complaint's version that he is working as a Poojari in Arulmigh 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 07.00 pm, he closed the temple. On 31/12/2015 at about 06.00 am, 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. So far as the Ayyanar Temple is concerned, a bronze plate was found missing. Finding that some one has stolen the said idols and articles, he made a complaint. Upon which, the case has been registered in Crime No.395 of 2015 for the offences stated above.

3.Heard both sides.

4.This is the second bail application filed without any change of circumstances. It has been simply stated that absolutely, no recovery was made connecting this petitioner; and only the co-accused was apprehended and arrested while en-routing to Kerala.

5.The learned Additional Public Prosecutor would submit that this petitioner is arrayed as an accused on the basis of the confession statement of the co-accused and he has received the stolen idols knowing fully well that they are stolen properties.



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6. But as stated above, it is a case of the prosecution that this petitioner along with the accused namely Chandhirasekar transported the idols and in the midway, some occurrence took place and the police people belongs to Kerala State, took the custody of the idols. So the petitioner ought to have explained his alleged travel along with one Chandhirasekar. Petitioner's failure to explain the reason for the travel along with Chandhirasekar dis-entitles the discretionary relief.

7. Repeated applications filed without any change of circumstances cannot be appreciated. So, I find no reason to entertain this petition.

8. In the result, this criminal original petition is dismissed.

sd/-

12/12/2023

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/01/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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.

ORDER IN

CRL OP(MD) No.20661 of 2023

Date :12/12/2023

RS/DD/SAR-(09.01.2024) 3P 3C

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