

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Twenty Eighth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

and

The Hon`ble Mr Justice P.D.AUDIKESSAVALU

CRIMINAL ORIGINAL PETITION No.20576 of 2018

M.MUTHIAH STHAPATHY

[ PETITIONER / ACCUSED ]

Vs

THE STATE,

[ RESPONDENT ]

REP. BY THE INSPECTOR OF POLICE,  
IDOL WING, SINDO, OLD CORPORATE BUILDING,  
FIRST FLOOR, GARMENT COMPLEX-II,  
THIRU-VI-KA INDUSTRIAL ESTATE,  
GUINDY, CHENNAI-32,  
CR.NO.5 OF 2018.

For Petitioner : M/S.PL.NARAYANAN Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in connection with the case in Crime No.5 of 2018 registered for the alleged offences punishable under Sections 403, 406, 409, 202 and 120B IPC, the petitioner has come up with the present Criminal Original Petition, seeking anticipatory bail.

2.The case of the prosecution is that on 23.07.2018, one Rangarajan Narasimhan lodged a complaint against the three individuals, archakars and temple officials, with regard to replacement and theft of idol of Parvathi in the form of Peacock in Shri Kapaleeswarar Temple, Mylapore, which resulted in the registration of the present case.

3.The case of the petitioner is that he is a qualified Stapathi and was appointed as the Chief Stapathi by the HR & CE department in 1990 and his services were utilised. According to him, he is known for his expertise in Silpa Sastra and is an awardee of Padmashri in 1992. That apart, he has been instrumental in the renovation and sculpting of many idols and gopurams in many temples.

4.The learned Senior Counsel for the petitioner submitted that the petitioner is highly devoted to Hindu temples and he has assumed the responsibility of being the Chief Stapathi of HR&CE Department, only with a view to render services to the Hindu temples and in the larger interest of Hinduism; his medium of work is stone and his role is advisory in nature; and he had not executed the actual work of making of any idol. The learned counsel further submitted that the petitioner has nothing do with the alleged offence and he has been falsely implicated in this case. However, he submitted that the petitioner is ready and willing to abide by any condition that may be imposed by this Court and he will appear before the Investigating Agency, as and when required. Thus, the learned counsel seeks indulgence of this Court to grant anticipatory bail in favour of the petitioner.

5.Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the respondent has no serious objection in granting anticipatory bail to the petitioner. However, on instructions, he submitted that the respondent police are investigating the matter and hence, the petitioner may be directed to appear before the respondent, as and when required.

6.Heard both sides and perused the records.

7.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner.

8.Accordingly, this Criminal Original Petition is allowed by enlarging the petitioner on bail in the event of his arrest by the respondent police or surrender on his appearance within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate concerned, on the following conditions:-

(i)The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One Lakh Only) with two sureties each for a like sum to the satisfaction of the learned Additional Chief Judicial Magistrate, Kumbakonam; and

(ii)The petitioner shall appear before the Idol Wing officials, Thiruchirapalli, as and when required for interrogation.

After we pronounced the aforesaid order, the learned Government Advocate (Crl.Side) submitted that the respondent police are still investigating the matter and if they are able to collect any incriminating material against the petitioner, liberty may be given to file necessary petition for appropriate orders.

2. Acceding the aforesaid submission made by the learned Government Advocate (Crl.Side), such liberty is granted.

-sd/-

28/11/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL CHIEF JUDICIAL  
MAGISTRATE, KUMBAKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
THANJAVOOR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE  
IDOL WING, SINDO,  
OLD CORPORATE BUILDING,  
FIRST FLOOR, GARMENT COMPLEX-II,  
THIRU-VI-KA INDUSTRIAL ESTATE,  
GUINDY, CHENNAI-32

5 THE IDOL WING OFFICIALS,  
THIRUCHIRAPALLI.

CC to M/S.PL.NARAYANAN Advocate on payment of necessary charges

CRL OP.20576/2018

Date :28/11/2018

MK:30/11/2018