

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

and

The Hon`ble Mr Justice P.D.AUDIKESSAVALU

CRIMINAL ORIGINAL PETITION No.18648 of 2018

SAKTHIVEL

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE

[RESPONDENT]

KANNAMANGALAM POLICE STATION,
THIRUVANNAMALAI DISTRICT,
CR.NO.391 OF 2018.

For Petitioner : M/S.M.R.ELAVARASAN Advocate

For Respondent : MR.EMALIAS, PUBLIC PROSECUTOR

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

Apprehending arrest at the hands of the respondent in connection with the case in Crime No.391 of 2018 for the offences punishable under section 380(2) IPC r/w 25(1) of the Antiques and Art Treasures Act, 1972, the petitioner has filed this Criminal Original Petition seeking anticipatory bail.

2.The case of the prosecution is that one Gokulan, who is arrayed as A2, made an attempt to sell the Panchaloga Idol to some third parties. On the basis of the secret information, the respondent police made a search and seized the idol from the possession of A2. Further, the said Gokulan has stated in his confession statement that the said Panchaloga Idol had been handed over to him by the petitioner herein. Hence, the respondent police registered the aforesaid case.

3.The learned counsel for the petitioner submitted that the petitioner has nothing do with the alleged offence and he has been falsely implicated in this case. The learned counsel further submitted that the name of the petitioner did not find place in the FIR and he does not know the said Gokulan of Kannamangalam Village. The learned counsel also submitted that he undertakes to abide by any of the conditions that may be imposed by this Court and he is ready and willing to co-operate with the investigation, as and when required.

4.Opposing the relief sought in this petition, the learned Public Prosecutor filed a detailed counter affidavit of the respondent, stating that an antique Panchalok Idol of Goddess was

found in possession of one Gokulan (A2) and Hariraja (A4), who were subsequently, arrested and were enquired, during the course of which, it came to light that the said Idol was stolen by A1 and was handed over to them for sale. The counter affidavit further proceeds to state that the value of the seized property, as per the complaint is Rs.12,50,000/- and the same was recovered, based on the confession statement of the accused 2 and 4. According to the Public Prosecutor, the petitioner is the main accused and he is still in abscondence and hence, his presence is required for completion of investigation.

5.This Court considered the rival submissions and also perused the counter affidavit filed by the respondent police.

6.Considering the nature of the offence committed by the petitioner and also taking note of the averments made in the counter affidavit filed by the respondent, more particularly, the petitioner is the main accused, who only handed over the stolen idol to the other accused, this Court is of the view that there is a chance of hampering the witnesses and tampering the evidence, in the event of the petitioner being granted anticipatory bail, as rightly pointed out by the learned Public Prosecutor. Hence, the petitioner is disentitled to get any relief in this petition.

7.Accordingly, this petition stands dismissed.

-sd/-

01/08/2018

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 INSPECTOR OF POLICE
KANNAMANGALAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.R.ELAVARASAN Advocate on payment of necessary charges

+1CC to PUBLIC PROSECUTOR IN SR.NO.14445

CRL OP.18648/2018

Date :01/08/2018