

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Twenty Third 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.19582 of 2018

R.SILAMBU @ SILAMBARASAN, [ PETITIONER / ACCUSED ]

Vs

STATE REP. BY [ RESPONDENT ]

THE INSPECTOR OF POLICE,  
KANNAMANGALAM POLICE STATION,  
TIRUVANNAMALAI DISTRICT.  
CR.NO.391 OF 2018

For Petitioner : M/S.S.L.VENKATESAN Advocate

For Respondent : M/S.KIRTHICA KAMAL, Govt. Advocate ( Crl. Side)

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.391 of 2018 for the offences punishable under Sections 380(2) IPC and 25(1) of Antiquities and Art Treasures Act, 1972, the petitioner has filed this Criminal Original Petition seeking anticipatory bail.

2.According to the prosecution case, based on the complaint lodged by one Munivel, Village Administrative Officer of Kattukanallur, Arani Taluk, the present case has been registered against one Gokulan and Harirajan, who made an attempt to sell a stolen antique Panchaloga Idol of Goddess to some third parties.

3.The learned counsel for the petitioner submitted that the name of the petitioner did not find place in the FIR and he is only a childhood friend of the said Gokulan of Kannamangalam Village. However, he has been falsely implicated in this case. Therefore, the learned counsel prayed for an anticipatory bail in favour of the petitioner.

4.The relief sought in this petition was seriously opposed by the learned Government Advocate (Crl.Side), stating that an antique Panchalok Idol of Goddess was found in possession of one Gokulan and

Hariraja, who were subsequently, arrested and were enquired, during the course of which, it came to light that the said Idol was stolen by the petitioner and was handed over to them for sale. The learned Government Advocate (Crl.Side) further submitted 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 aforesaid accused. According to the Government Advocate (Crl.Side), the petitioner is the main accused and he is still in abscondence and hence, his presence is required for completion of investigation.

5.Head both sides and perused the records.

6.Considering the facts and circumstances of the case and having regard to the submissions by the learned counsel on either side and also taking note of the fact that the petitioner is directly involved in the commission of the offence, 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. Hence, the petitioner is dis-entitled to get any relief in this petition.

7.Accordingly, this petition stands dismissed.

-sd/-

23/08/2018

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,  
TIRUVANNAMALAI DISTRICT.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S.S.L.VENKATESAN Advocate on payment of necessary charges

+1 CC TO PUBLIC PROSECUTOR SR.NO.15808

CRL OP.19582/2018

Date :23/08/2018

RD 10/09/2018