

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth 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.19956 of 2018

1 R.ESWARAN
2 N.ARUMUGAM
3 R.GURUSAMY

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
INSPECTOR OF POLICE,
AMBUR POLICE STATION,
VELLORE DISTRICT.
CR.NO. 395 OF 2017

[RESPONDENT]

For Petitioner : M/S.L.RAMU Advocate

For Respondent : MR.G.RAMESH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

The petitioners/A1 to A3, who were arrested and remanded to judicial custody in connection with the case in Crime No.395 of 2017 on the file of the respondent police, for the offences punishable under Sections 457(2) and 380(2) IPC, have filed this petition, seeking bail.

2.According to the case of the prosecution, one Natesa Adigalar who is a priest of Poomalai Murugar Temple, Pallikuppam, Ambur Taluk, Vellore District, lodged a complaint alleging that while he was going to the said temple as usual on 09.10.2017 at 9.00am for doing pooja, he found that somebody broke open the lock of the said temple and committed theft of three antique panchaloga idols of Gods Murugar, Valli and Deivanai, worth about Rs.95,000/-, which resulted in the registration of the present case. It is the further case of the prosecution that on 06.05.2018 about 3.00pm, the police personnel of Pernampet Police Station, conducted a raid near the Forest Range Office, Pernampet and found three idols from a car bearing Regn.No.TN09 AW 3339, which was parked before the Forest Office, Pernampet and during the course of enquiry, it came to light that on 08.10.2017, the petitioners and other accused had stolen those idols from Poomalai Murugan Temple at Vellore District and transported the same in the aforesaid car, which resulted in the registration of the case in Crime No.193/2018.

3.The learned counsel for the petitioners submitted that the petitioners were already arrested and remanded to judicial custody on 06.05.2018 in connection with Crime No.193/2018. Subsequently, by order dated 01.08.2018 passed by this Court in Crl.OP.Nos.16611 and 16612 of 2018, they were released on bail. The learned counsel further submitted that as both the cases i.e., Crime No.395 of 2017 and Crime No.193/2018 are one and the same and the petitioners were already granted bail in respect of one case, they may be granted bail in respect of other case as well. The learned counsel also submitted that the idols alleged to have been stolen by the petitioners were recovered and were returned to the temple authorities.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, submitted that there are totally six accused, out of whom, four were already arrested and two are still in abscondence. He further submitted that the stolen idols worth about Rs.95,000/- were recovered and were subsequently, handed over to the Temple authorities. He also fairly conceded the submissions so made by the learned counsel for the petitioner.

5.Heard both sides and perused the records.

6.Considering the facts and circumstances of the case and also having regard to the submissions made by the learned counsel on either side and further taking note of the facts that the petitioners have already been released on bail in connection with Crime No.193/2018, which is related to the present case and the stolen idols were recovered and handed over to the temple authorities, the petitioners are ordered to be released on bail on each of them executing a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Kumbakonam and on further condition that the petitioners shall appear before the Inspector General of Police, Idol Wing CID, Thiruchirapalli, daily at 10.30 a.m. until further orders.

7.Accordingly, this petition is ordered.

-sd/-
10/08/2018

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 CHIEF JUDICIAL MAGISTRATE
KUMBAKONAM.

2 THE INSPECTOR OF POLICE,
AMBUR POLICE STATION,
VELLORE DISTRICT.

3 THE INSPECTOR GENERAL OF
POLICE, IDOL WING CID,
THIRUCHIRAPALLI.

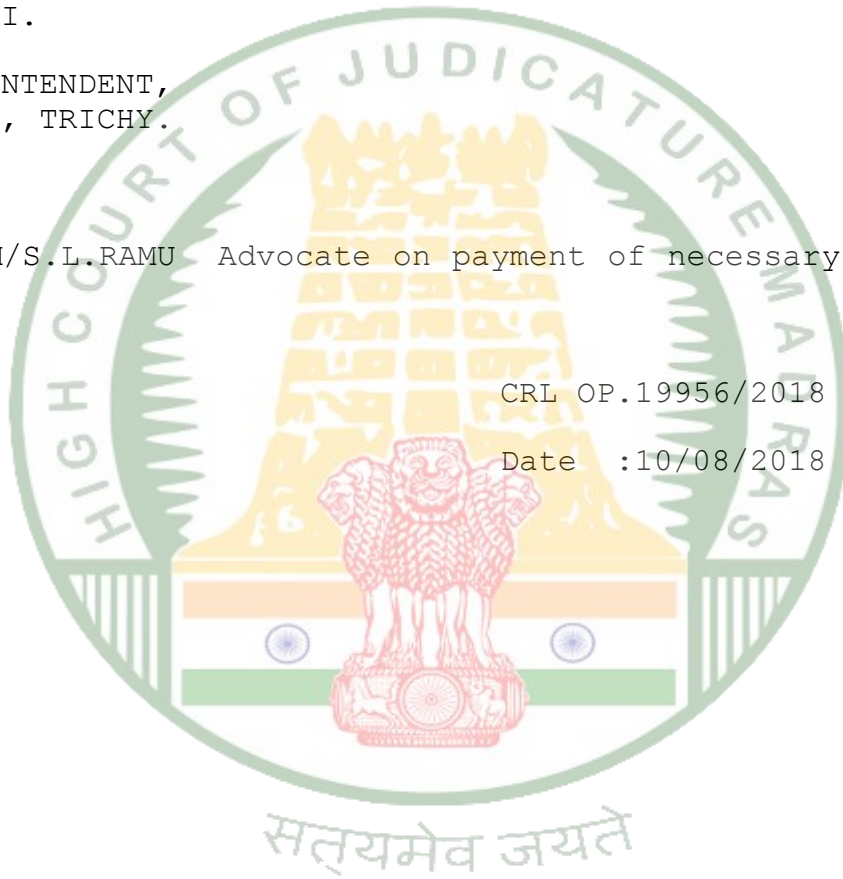
4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

+1CC to M/S.L.RAMU Advocate on payment of necessary charges in
SR.NO. 14930

CRL OP.19956/2018

Date :10/08/2018

MLT-10/08/2018



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