

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Ninth day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

and

The Hon`ble Mr Justice P.D.AUDIKESSAVALU

CRIMINAL ORIGINAL PETITION No.23127 of 2018

R.SILAMBU @ SILAMBARAWAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
KANNAMANGALAM POLICE STATION
TIRUVANNAMALAI DISTRICT.
CR.NO.391 OF 2018.

[RESPONDENT]

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

For Respondent : M/S. KRITHIKA 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.This is the second petition filed by the petitioner seeking anticipatory bail. Earlier, the petitioner has filed Crl.OP No.19582 of 2018 praying for grant of anticipatory bail and the same was dismissed by this Court by passing a detailed order on 23.08.2018. Therefore, it is not necessary to deal with the facts of the case in detail.

3.However, succinctly, the case of the prosecution is that 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.

4.According to the learned counsel for the petitioner,

http://e-services.courts.gov.in/e-services/ 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. Further, the change of circumstances pointed out by the learned counsel is that the investigation is almost completed and the co-accused were already released on bail. Therefore, the learned counsel seeks indulgence of this Court to consider this petition in favour of the petitioner.

5.The relief sought in this petition was seriously opposed by the learned Government Advocate (Crl.Side) appearing for the respondent. According to her, the petitioner is the main accused and he is still in abscondence and hence, his presence is required for completion of investigation.

6.Head the rival submissions and perused the records.

7. Considering the fact that the petitioner is directly involved in the commission of the offence and he is still in abscondence and taking note of the submission made by the learned Government Advocate (Crl.Side) that the petitioner is very much required for completion of the investigation, this Court is not inclined to show any leniency in favour of the petitioner. Further, there is no change of circumstances pointed out by the petitioner for filing this second petition seeking anticipatory bail. Therefore, this Court finds no ground to grant anticipatory bail to the petitioner, who is otherwise fleeing from the process of justice.

8.Hence, this petition stands dismissed.

-sd/-

09/10/2018

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.

+1 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS-104.

CRL OP.23127/2018

Date :09/10/2018