

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eleventh day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

and

The Hon`ble Mr Justice P.D.AUDIKEVALU

CRIMINAL ORIGINAL PETITION No.23846 of 2018

GOPINATH

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
OD-IDOL WING-CID,
GUINDY, CHENNAI-600 008.
CR.NO.6 OF 2018.

For Petitioner : M/S.S.SATHISH RAJAN Advocate

For Respondent : MRS.KARTHIKA KAMAL, Govt. Advocate (CrI. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 07.08.2018 in connection with the case in Crime No.6 of 2018 on the file of the respondent police, for the offences punishable under Sections 454(2), 457(2) and 380(2) IPC, has filed this petition, seeking bail.

2.This is the second petition filed by the petitioner seeking bail. Earlier, the petitioner has filed CrI.OP No.21824 of 2018 praying for grant of bail and the same was dismissed by this Court by passing a detailed order on 12.09.2018. Therefore, it is not necessary to deal with the facts of the case in detail.

3. However, succinctly, the case of the prosecution can be stated as under:

have transported a Panchaloga Amman Idol along with a Thiruvachi, in a Nano car bearing Registration No.TN09 BP 3040, which resulted in registration of the present case. According to the prosecution case, the said idol was stolen from a temple in Thiruvallur District for selling it to the tune of Rs.50,00,000/-.

4.The learned counsel for the petitioner submitted that the petitioner is only a driver and he was not aware of the possession of the idol in question by the accused. However, the respondent police falsely implicated the petitioner as one of the accused in this case. The learned counsel further submitted that the petitioner is languishing in jail from 07.08.2018 i.e., for more than 60 days. The learned counsel also submitted that the investigation is almost over and the alleged stolen articles were already recovered from the accused. Hence, the learned counsel seeks indulgence of this Court to consider this bail petition in favour of the petitioner herein.

5.The learned Government Advocate (Crl.Side) appearing for the respondent fairly submitted that the petitioner is in jail from 07.08.2018. She further submitted that the stolen articles were already recovered and the investigation is almost completed.

6.Heard both sides and perused the records.

7.Admittedly, this is the second bail petition filed by the petitioner. The change of circumstances pointed out by the petitioner is that the stolen articles were recovered and the investigation is almost over, which has been agreed by the learned Government Advocate (Crl.Side) appearing for the respondent. Further, considering the period of incarceration undergoing by the petitioner, i.e., from 07.08.2018, this Court is inclined to grant bail to the petitioner.

8.Accordingly, this petition is ordered, by releasing the petitioner on bail on 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 Additional Chief Judicial Magistrate, Kumbakonam and on further condition that the petitioner shall appear before the Inspector General of Police, Idol Wing CID, Thiruchirapalli, daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

-sd/-

11/10/2018

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 ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
KUMBAKONAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
OD-IDOL WING-CID,
GUINDY, CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

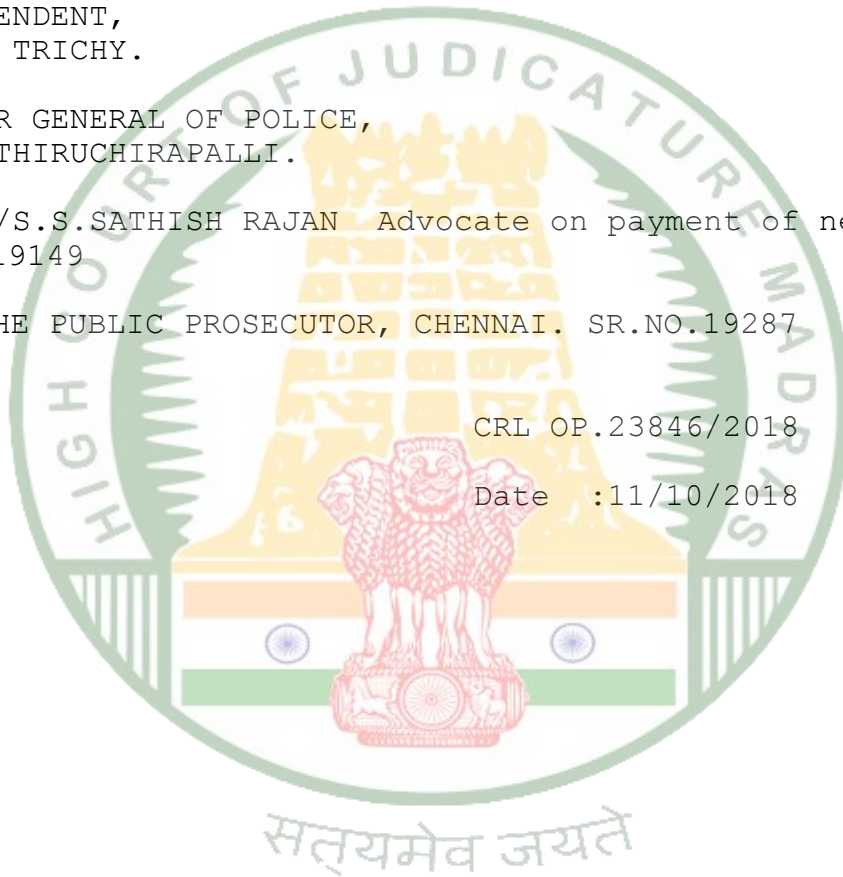
+1 CC to M/S.S.SATHISH RAJAN Advocate on payment of necessary
charges SR.NO. 19149

+1 CC to THE PUBLIC PROSECUTOR, CHENNAI. SR.NO.19287

CRL OP.23846/2018

Date :11/10/2018

TA-12/10/2018



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