

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty First day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

and

The Hon`ble Mr Justice P.D.AUDIKESSAVALU

CRIMINAL ORIGINAL PETITION No.23883 of 2018

KIRAN VELAGAPUDI

[PETITIONER / ACCUSED]

Vs

STATE OF TAMILNADU

[RESPONDENT]

THE DEPUTY SUPERINTENDENT OF POLICE

IDOL WING C.I.D

CHENNAI-32.

CR.NO.02 OF 2016.

For Petitioner : MR.R.SHANMUGASUNDARAM, SENIOR COUNSEL FOR
M/S.N.CHIDAMBARAM Advocate

For Respondent : MR. C.AYYAPPARAJ ADDL. PUBLIC PROSECUTOR

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 Cr.No.2 of 2016 registered for the offences punishable under Sections 457(2), 380(2), 411(2) and 120-B IPC and Section 25(1) of the Antiquities and Art Treasures Act, 1972, the petitioner has come up with this petition seeking anticipatory bail.

2.It is the case of the prosecution that one Janarthanan, Inspector of the respondent Police, lodged a complaint on 30.05.2016 alleging that on a secret information through telephone, he made a search in a house at No.6/25, Murray's Gate Road, Alwarpet, Chennai belonging to Deenadhayan (A1) and seized Garudalwar statue and other idols, which were said to be parcelled, in order to be sent to Bombay and arrested three workers Mansingh (A5), Kumar (A6) and Rajamani (A7). It is the further case of the prosecution that based on the confession statement of A1, the respondent police seized 157 metal idols, 416 stone idols, 74 wood idols, 211 paintings and 1 ivory idol from A1's house. Thereafter, the respondent police made a search in a house at No.21, South Madaveethi, Srinagar Colony, Saidapet, Chennai belonging to Ranvir Shah (A14) and his two other guest houses situated at Koolangalcherry, Sriperumbudur Taluk, Rancheepuram District and Mogalvadi Village, Maduranthagam Taluk,

Kancheepuram District and seized 209 stone idols and 13 stone pillars in toto from his house and furthermore, 6 wooden vehicles, which are used to carry idols, were also seized in his office, which is situated at Race Course Road, Guindy, Chennai. It is also the case of the prosecution that on a further secret information, the respondent police made a search of a guest house situated at Kasthuri Estate, Poes Garden, Chennai-86 belonging to Kiran Velagapudi (A15) and seized 23 stone idols, which were concealed by her with the help of her employees, under the ground. Thus, the case was registered against 16 accused and the seized idols were said to have been stolen from various temples of Tamil Nadu.

3.The learned Senior Counsel appearing for the petitioner submitted that the petitioner is the Managing Director of Amethyst Cafe Private Limited as well as the Executive Director of KCP Group of Companies and she is fond of education, art, culture and environment. The learned Senior Counsel further submitted that on the assurance given by the sellers that they would provide valid, legal and registration certificate of transfer of ownership authenticated by the Archaeological Survey of India, the petitioner has legally purchased those idols, which were seized from her premises on 5/10/2018 and 6/10/2018 and hence, the possession of the same by the petitioner cannot be doubted. Hence, the learned Senior Counsel sought to consider this petition, in favour of the petitioner.

4.Per contra, according to the learned Additional Public Prosecutor, the allegation levelled against the petitioner is that she had concealed the 23 idols underneath the earth and there is no proof for valid possession of the same. The learned Additional Public Prosecutor further submitted that the petitioner has committed the offence related to theft of idols and antiquities belonging to various temples of Tamil Nadu, which is indeed serious in nature and the whereabouts of the petitioner is also not known to the prosecution and hence, the appearance of the petitioner for investigation is very much essential. Thus, the learned Additional Public Prosecutor submitted that in the event of the petitioner granted anticipatory bail, stringent conditions may be imposed on her.

5.Stoutly denying the submissions so made by the learned Additional Public Prosecutor, the learned Senior Counsel for the petitioner, by way of reply, submitted that the petitioner has buried the legally purchased idols under the ground, out of fear as well as the safety of her family and also on misguided notion and she has not committed any offence as alleged by the prosecution and hence, she has been falsely implicated in this case. The learned Senior Counsel further submitted that as directed by this Court, the petitioner has surrendered her passport to the Idol Wing and she is always ready and willing to co-operate with the respondent police for investigation.

6.Heard both sides and perused the records.

7.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side

and further taking note of the facts that report regarding the legal possession of the idols by the petitioner is awaited from the Archaeological Department and the petitioner has surrendered her passport, in order to reveal her availability in the city; this petition is pending for quite sometime; and the Idol Wing is not in a position to place any concrete material with regard to the whereabouts of the petitioner and they await report from various sources, this Court is inclined to grant anticipatory bail to the petitioner, of-course, with stringent conditions.

8. Accordingly, this Criminal Original Petition is ordered, by enlarging the petitioner on bail, in the event of her arrest by the respondent police or surrender on her appearance within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate concerned, on the following conditions:-

(i) The petitioner shall execute a bond for 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 (FAC), Kumbakonam; and

(ii) The petitioner shall appear and report before the Idol Wing officials, Thiruchirapalli, daily at 10.30 am until further orders.

However, it is made clear that if the respondent police are able to collect any incriminating material against the petitioner, it is open to them to move appropriate petition.

-sd/-
21/12/2018

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 ADDL. CHIEF JUDICIAL
MAGISTRATE (FAC), KUMBAKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE
IDOL WING C.I.D
CHENNAI

5 THE OFFICER INCHARGE,
IDOL WING OFFICIALS,
THIRUCHIRAPALLI.

+1 CC to M/S.N.CHIDAMBARAM Advocate on payment of necessary
charges-Sr.24879

CRL OP.23883/2018

Date :21/12/2018

ths : 24.12.2018