

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Nineteenth 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.26743 of 2018

SANTHANAKRISHNAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY,
INSPECTOR OF POLICE,
GINGEE POLICE STATION,
GINGEE, VILLUPURAM DISTRICT.
CR.NO.733 OF 2018

[RESPONDENT]

For Petitioner : M/S.K.G.SENTHILKUMAR Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 24.10.2018 in connection with the case in Crime No.733 of 2018 on the file of the respondent police, registered for the alleged offences under Sections 457(2) and 380(2) IPC, has filed this petition, seeking bail.

2.It is the case of the prosecution that one Ravindardoss, Administrator of Sree 1008 Malliganathar Jeenalayam, Perumpugai Village, Gingee Taluk, gave a complaint on 16.09.2018 alleging that panchaloga idols were found to be stolen by breaking open the lock of the temple on the night of 15.09.2018. It is the further case of the prosecution that on secret information, four idols were recovered by the respondent from Karaikappukkadu on 11.10.2018 and thereafter, during the vehicle check up under the head of the Deputy Superintendent of Police on 23.10.2018, A1 Meganathan along with other accused, was intercepted and a search was made, during the course of which, a panchaloga idol from his gunny bag was recovered and three other panchaloga idols from a pond in Karai Kappukkadu Village and the offending vehicle bearing Regn.No.TN23 AK 1153 were also recovered on 24.10.2018, on the basis of his confession statement.

3.The learned counsel for the petitioner submitted that the petitioner has nothing to do with the alleged offence and he has been falsely implicated in this case. The learned counsel further submitted that the petitioner has been in judicial custody for more than 50 days and hence, he may be considered for grant of bail.

4.On the other hand, the learned Additional Public Prosecutor submitted that the petitioner is the driver-cum-owner of the offending vehicle and involved in transporting the idols; and based on the confession statement of A1, he has been implicated as A2 in this case. The learned Additional Public Prosecutor further submitted that the petitioner has been in judicial custody from 24.10.2018; out of 9 panchaloga idols, 8 were already recovered; and the investigation is almost over and hence, this petition may be considered, however, by imposing stringent conditions.

5.Heard both sides and perused the records.

6.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 the petitioner has been in judicial custody for more than 50 days; 8 panchaloga stolen idols were already recovered; and the investigation is almost over, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

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

(ii)He shall report before the learned Additional Chief Judicial Magistrate (FAC), Kumbakonam daily at 10.00am until further orders.

7.Accordingly, this Criminal Original Petition is ordered.

-sd/-
19/12/2018

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 ADDITIONAL CHIEF JUDICIAL
MAGISTRATE (FAC), KUMBAKONAM.

2 THE INSPECTOR OF POLICE,
GINGEE POLICE STATION, GINGEE,
VILLUPURAM DISTRICT.

3 THE SUPRINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.G.SENTHILKUMAR Advocate on payment of necessary
charges

CC to PUBLIC PROSECUTOR in SR.NO. 24543

CRL OP.26743/2018

Date :19/12/2018

MLT-20/12/2018