

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.27568 of 2018

DHEENADHAYALAN,

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY,
DEPUTY SUPERINTENDENT OF POLICE,
IDOL WING CID,
GUINDY, CHENNAI-32.
CR.NO.2 OF 2016.

[RESPONDENT]

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

For Respondent : MR. C.IYYAPPARAJ ADDL. 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 31.10.2018, in connection with the case in Cr.No.2 of 2016 registered for the offences punishable under Sections 41(1)(d) CrI.P.C and Sections 457(2), 380(2), 411(2) and 120-B IPC r/w Section 25(1) of the Antiquities and Art Treasures Act, 1972, has come up with this petition seeking 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

Kancheepuram 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 only an employee of Kiran Velagapudi (A15) and hence, he has nothing to do with the alleged offence and he has been falsely implicated in this case. The learned Senior Counsel further submitted that the petitioner is ready and willing to abide by any condition that may be imposed by this Court. Thus, the learned Senior Counsel submitted that since the petitioner has been in incarceration from 31.10.2018, he may be considered for grant of bail.

4.On the other hand, the learned Additional Public Prosecutor submitted that the petitioner is the employee of Kiran velagapudi and he assisted her for the commission of the offence. Conceding the fact that the petitioner has been in judicial custody from 31.10.2018, the learned Additional Public Prosecutor fairly submitted that when the petitioner's employer has been granted anticipatory bail, the petitioner also may be considered for bail, of-course, subject to 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 is only an employee of one of the accused and he has been in judicial custody from 31.10.2018, this Court is inclined to grant bail to the petitioner, of-course, with stringent conditions.

7.Accordingly, this Criminal Original Petition is ordered, by enlarging the petitioner on bail, 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 10.30am until further orders.

-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 SUPERINTENDENT,
CENTRAL PRISON AT THIRUCHIRAPALLI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DEPUTY SUPERINTENDENT OF POLICE,
IDOL WING CID,
GUINDY, CHENNAI-32.

6 THE OFFICER INCHARGE,
IDOL WING OFFICIALS,
THIRUCHIRAPALLI.

+1 CC to M/S.CHIDAMBARAM N. Advocate on payment of necessary charges-Sr.24906

WEB COPY

CRL OP.27568/2018

Date :21/12/2018

ths : 24.12.2018