

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.29925 of 2018

KARTHI @ KARTHIKEYAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

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

For Petitioner : MR.D.BASKAR FOR M/S.S.SERALATHAN Advocate

For Respondent : MR.C.JAYAPPARAJ Addl. PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

CrI.OP.No.29925 of 2018

R.MAHADEVAN, J.

and

P.D.AUDIKESSAVALU, J.

The petitioner, who was arrested and remanded to judicial custody on 31.10.2018 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

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 the co-accused were already granted bail, vide orders dated 19.12.2018 passed by this Court in CrI.O.P.Nos.26743 and 28657 of 2018 and hence, he may be considered for grant of bail.

4.On the other hand, the learned Additional Public Prosecutor submitted that the petitioner made arrangements to sell the stolen idols at Bengaluru and based on the confession statement of A1, he has been implicated as A6 in this case. The learned Additional Public Prosecutor further submitted that the petitioner has been in judicial custody from 31.10.2018; 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 and the co-accused were already granted bail, 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, Kumbakonam; and

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

7.Accordingly, this Criminal Original Petition is ordered.

-sd/-

21/12/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE ADDITIONAL CHIEF JUDICIAL
MAGISTRATE, KUMBAKONAM

2 THE CHIEF JUDICIAL MAGISTRATE
KUMBAKONAM[FOR INFORMATION]

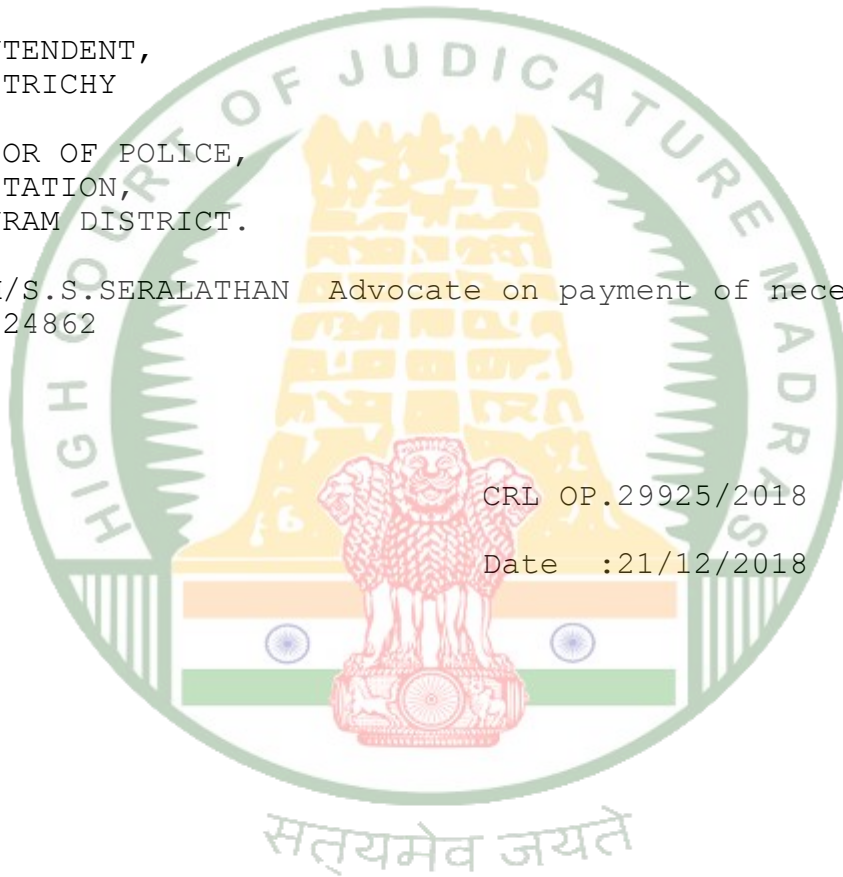
3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

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

+1 CC to M/S.S.SERALATHAN Advocate on payment of necessary
charges SR.NO. 24862

RD 21/12/2018



CRL OP.29925/2018

Date :21/12/2018

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