



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twelfth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.140 of 2018

M.CHANDRA SEKARAN

... PETITIONER/ACCUSED NO.2

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
IDOL WING, CHENNAI.
(IN CRIME NO.07 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.MALAIKANI Advocate

For Respondent : MR.K.CHELLAPANDIAN,
Additional Advocate General, Assistant by
MR.C.RAMESH, Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 05.11.2017, for the offence punishable under Sections 454 (2) and 380 (2) of Indian Penal Code and Section 25(1) and 25(2) of Antiquities and Arts Treasures Act, in Crime No.7 of 2017, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 05.11.2017, on secret information, the defacto complainant and his team inspected Room No.21 of Sree Rajeswari lodge at Meetur Road, Erode and they found that the accused persons were in possession of small sized Sivalinga statue and Nandi statue made of emerald. Subsequent enquiry reveals that the statues were 1200 years old and worth about Rs.7 Crores. When the petitioner and other accused were enquired, they were giving contradictory answers. Hence the case has been filed against the accused persons for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner has not committed any offence as alleged by the prosecution and he is in no way connected with the offences alleged and hence, he pleads for granting bail to the petitioner.



4. The learned Additional Advocate General appearing for the State submitted that the Maragathalingam idol was recovered from the accused persons. The earlier bail application filed by the petitioner was dismissed by this Court. This is the second bail petition. There was no change of circumstances and the investigation is still pending.

5. The submissions made by the learned counsel on both side are considered. The offence under Sections 454(2) and 380 (2) of Indian Penal Code and Section 25(1) and 25(2) of Antiquities and Arts Treasures Act, has been registered against the petitioner. Eventhough this application is a second bail application, according to the submission made by the learned Additional Advocate General that there is no subsequent changes after dismissing the first bail application. It is alleged that during the time of occurrence, the property (Maragathalingam) worth about Rs.7 crores was recovered from this petitioner along with two other accused. It shows that the petitioner is directly involved in the alleged offence. As of now, the investigation is not completed. So, considering the above facts and circumstances, this Court is not inclined to grant bail. Hence, this Criminal Original Petition is dismissed.

sd/-
12/01/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE INSPECTOR OF POLICE, IDOL WING, CHENNAI.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

+1. CC to M/S.S.MALAIKANI Advocate SR.No.698

PJL
GJM/RR/SAR-2-1.2.18-2P-5C

ORDER
IN
CRL OP(MD) No.140 of 2018
Date :12/01/2018