



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

Tuesday, the Third day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) No.8794 of 2018

1 VALLABH PRAKASH
2 ADITYA KUMAR SHRESTHA

... PETITIONERS/ACCUSED
(RANK NOT KNOWN)

Vs

STATE REPRESENTED BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
SPECIAL WING FOR IDOL THEFT CASES,
TRICHY, TRICHY DISTRICT.
CRIME NO.NOT KNOWN OF 2018

... RESPONDENT/COMPLAINANT

For Petitioners : MR.C.SURESH KANNAN, Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

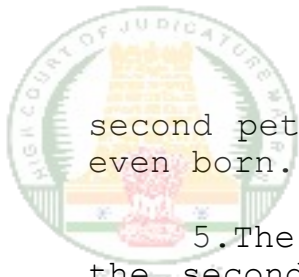
ORDER : The Court Made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 457(2), 380(2), 414 r/w 120(B) IPC, in Crime No.not known of 2018, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Additional Advocate General for the respondent.

3.When the matter was taken up for hearing, the learned Additional Advocate General appearing for the State submitted that the first petitioner is wanted in Crime No.2 of 2018 registered on the file of Idol Wing, Chennai. The defacto complainant is an Advocate by name Thiru Elephant G.Rajendran. The said case has been registered in connection with the theft of a few Panjaloga Idols belonging to Sri Narisvarar Sivan Temple at Veeracholapuram near Kallakurichi, Vilupuram District. The said Idols were stolen more than 50 years ago.

4.The counsel for the petitioner at the very commencement of his argument pointed out that when the said Idols were stolen, the



second petitioner, who is the son of the first petitioner, was not even born.

5.The learned Additional Advocate General fairly submitted that the second petitioner is not wanted in Crime No.2 of 2018. This submission made on behalf of the state is recorded.

6.The learned Additional Advocate General, pointed out that the involvement of the first petitioner came to light from the statement given by one Deendayal under Section 161(3) Cr.P.C. A copy of the said statement is also produced before this Court. The said Deendayal has stated that he himself is aged about 86 years. He is said to be accused in atleast three cases of Idol theft and he was also arrested. He is presently out on bail. According to him, he was dealing in antique idols. His mentor was one Srinivasa Gopalachari. The said Deendayal claims that when he visited the house of Srinivasa Gopalachari in 1960's, he saw the idols that are the subject matter of the present FIR. When he wanted to purchase the same, the said Srinivasa Gopalachari told Deendayal that those idols have been stolen at the instance of the first petitioner herein. The respondent police want to arrest the first petitioner and take him for custodial interrogation on the strength of this statement given by the said Deendayal.

7.It is seen that the first petitioner is aged about 87 years. The idols in question are presently said to be in USA. Admittedly, theft had taken place more than 50 years ago. The only material against the petitioner is the statement of the said Deendayal. This statement does not inspire the confidence of this Court. The said Deendayal himself is a notorious accused in cases of idol theft. He was implicated in as many as three cases. The first petitioner is sought to be arrested on the strength of the statement given by such a person. This Court is conscious that the Idol Wing is doing a remarkable job and that therefore, it does not want to pass any remark which may affect the investigation. The above observations are made only for the purpose of giving relief to the first petitioner against arrest. The first petitioner shall not make use of these observations for any other purpose.

8.It is seen that the first petitioner is already complying with the condition of appearing before the respondent on the first Monday of every month. Therefore, there is no necessity to impose any further condition.

9.Taking into account these circumstances, this Court is inclined to close this petition with regard to the second petitioner and to grant anticipatory bail to the first petitioner with certain conditions. Accordingly, this petition is closed with regard to the second petitioner and the first petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Additional Chief Judicial Magistrate, Kumbakonam and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned. The first petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

10. The first petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed with regard to the first petitioner.

sd/-
03/07/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, KUMBAKONAM
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KUMBAKONAM
- 3 THE DEPUTY SUPERINTENDENT OF POLICE,
SPECIAL WING FOR IDOL THEFT CASES,
TRICHY, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.C.SURESH KANNAN, Advocate SR.No.11951

ORDER
IN
CRL OP(MD) No.8794 of 2018
Date :03/07/2018

PK/RR/VK/06.07.2018 : 2P/6C