



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

Wednesday, the Twentieth day of June Two Thousand Eighteen

PRESENT

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

CRL OP (MD) No.9950 of 2018

DEVENDHRAN

... PETITIONER/ACCUSED

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE,
IDOL WING CRIME INVESTIGATION DEPARTMENT,
O/O.INSPECTOR GENERAL OF POLICE,
(SPL CAMP OFFICE-IDOL WING), TRICHY.

2 THE INSPECTOR OF POLICE,
TRICHY IDOL WING, CID,
IGP SPECIAL CAMP OFFICE POLICE STATION,
TRICHY (REF.CR.NO1/2018)

... RESPONDENT/COMPLAINANT

For Petitioner:MR.A.RAMESH, Senior Counsel for
MR.D.SHANMUGARAJA SETHUPATHI Advocate

For Respondent:MR.CHELLAPANDIAN,Additional Advocage General Asst.by,
MR.A.ROBINSON, Government Advocate (Crl.Side)

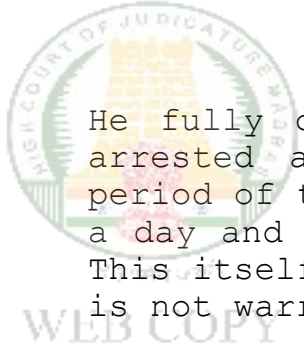
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 14.05.2018 for the offences punishable under Sections 403, 409, 120(B), 418, 420 and 477 (A) IPC in Crime No.1 of 2018 on the file of the second respondent police. He seeks bail.

2.The learned Additional Advocate General appearing for the respondents would oppose the grant of bail on the ground that the petitioner was the Jewel Verification Officer during the relevant time and that he was also present when the idol was cast.

3.The learned Senior Counsel appearing for the petitioner submitted that the principal accused have been granted bail. The petitioner was summoned for an enquiry on 12.05.2018 and 13.05.2018.



He fully co-operated with the investigation. Thereafter, he was arrested and police custody was sought for interrogation for a period of three days. The police investigation was over within half a day and the police sent back the petitioner to judicial custody. This itself shows that the continued incarceration of the petitioner is not warranted.

4. More than anything else, the occurrence in question had taken place as early as in the year 2004. The petitioner is a retired official. Therefore, this Court does not find any force in the objection of the learned Additional Advocate General for the respondents that the petitioner is an influenced person and that he shall tamper with the investigation.

5. Taking note of the above circumstances, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) The petitioner shall execute 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 Additional Chief Judicial Magistrate, Kumbakonam.
- (ii) The petitioner shall appear before the respondent police as and when required for interrogation.
- (iii) The petitioner shall not abscond.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-
20/06/2018

/ TRUE COPY /

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



TO

1 THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
KUMBAKONAM

2 THE DEPUTY SUPERINTENDENT OF POLICE,
IDOL WING CRIME INVESTIGATION DEPARTMENT,
O/O.INSPECTOR GENERAL OF POLICE,
(SPL CAMP OFFICE-IDOL WING), TRICHY.

3 THE INSPECTOR OF POLICE,
TRICHY IDOL WING, CID,
IGP SPECIAL CAMP OFFICE POLICE STATION,
TRICHY.

4 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

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

+1. C.C. to MR.D.SHANMUGARAJA SETHUPATHI, Advocate SR.No.10834

ORDER

IN

CRL OP(MD) No.9950 of 2018

Date :20/06/2018

PK/PN/GSR/20.06.2018 : 3P/7C