



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

Thursday, the Twenty First day of June Two Thousand Eighteen

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PRESENT

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

CRL OP(MD) No.9928 of 2018

P.DHANAPAL

... PETITIONER / ACCUSED -3

Vs

STATE REP.BY

THE DEPUTY SUPERINTENDEN OF POLICE,  
THE OFFICER -IN-CHARGE OF THE POLICE STATION,  
IDOL WING- CRIMINAL INVESTIGATION DEPARTMENT,  
C 48, OLD SIDCO CORPORATION,BUILDING,  
THIRU VI.KA. INDUSTRIAL ESTATE,  
GUINDY, CHENNAI- 32  
NOW AT KUMBAKONAM DSP/IWCIO

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.THIYAGARAJAN, Senior counsel for  
Mr.R.MOHAN RANGANATHAN, Advocate

For Respondent : Mr.CHELLAPANDIAN,  
Additional Advocate General

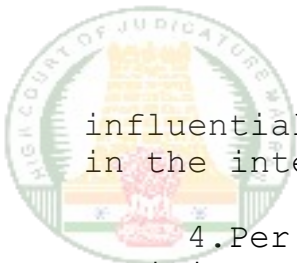
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 403, 409, 418 r/w 120-B and 477 A of Indian Penal Code in Crime No.1 of 2018 and hence, seeks anticipatory bail.

2.The application for granting of anticipatory bail is strongly opposed by the prosecution on more than one ground. It is pointed out that this is the second application. It is also submitted that the petitioner had also moved the Hon'ble Supreme Court in the meanwhile.

3.The specific allegation made against the petitioner is that he was appointed as a Coordinator by the HR & CE Department to oversee the making of new idol. It has now come to light that the new idol was not in accordance with the prescription and parameters. It is strongly alleged that gold to the tune of 150kg, was collected as donation from the general public and that a substantial portion of the same was misappropriated. The petitioner is highly



influential and therefore granting him anticipatory bail will not be in the interest of justice.

4. Per contra, the learned senior counsel appearing for the petitioner pointed out that the present application for granting anticipatory bail is very much maintainable. He made an affirmative submission that the petition filed before the Hon'ble Supreme Court has already been withdrawn. He also pointed out that the co-accused have already been granted bail and therefore investigation will not be prejudiced, if anticipatory bail is granted to the petitioner.

5. The learned senior counsel on instructions submitted that this Court can impose the very same conditions on the petitioner, that were imposed on A1 and A2. The consent given by the learned senior counsel is recorded.

6. This Court notes that the petitioner is aged about 62 years old and that he is a retired official. The occurrence had taken place in the year of 2004. In view of the long lapse of time, this Court is of the view that though a sustained enquiry of the petitioner is required, custodial interrogation as such may not be warranted. The learned senior counsel undertakes that the petitioner offers utmost co-operation for the enquiry.

7. Considering the nature of allegation made against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner on the following terms and conditions:

(a) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Kumbakonam and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned.

(b) The petitioner shall surrender his passport before the learned Judicial Magistrate, Kumbakonam at the time of execution of sureties and the said passport shall not be returned without clearance from this Court.

(c) The petitioner shall stay in a place of his choice within the city limit of Kumbakonam for a period of sixty days from the date of surrender and execution of sureties. He shall appear before the respondent Police as and when required for enquiry.

(d) The petitioner shall be under surveillance of the police personnel personally chosen by Thiru.A.G.Pon Manickavel, Inspector General of Police, Railways, i/c CID. The cost of providing such police personnel shall be borne by the petitioner.



(e)The petitioner shall not use any Internet facility, Land Line Phone connection or Cellphone during the entire period of 60 days. They will be entitled to use the cell phone of the police personnel who are with them.

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8.The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously. If the above said conditions are violated, it will be open to the respondent police to move this Court for cancellation of bail now granted. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-

21/06/2018

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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,  
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE DEPUTY SUPERINTENDEN OF POLICE,  
THE OFFICER -IN-CHARGE OF THE POLICE STATION,  
IDOL WING- CRIMINAL INVESTIGATION DEPARTMENT,  
C 48, OLD SIDCO CORPORATION,BUILDING,  
THIRU VI.KA. INDUSTRIAL ESTATE,  
GUINDY, CHENNAI- 32  
NOW AT KUMBAKONAM DSP/IWCIO
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.MOHAN RANGANATHAN Advocate SR.No.10978

ORDER

IN

CRL OP(MD) No.9928 of 2018

Date :21/06/2018

**MS/PN/ASVM/22.06.2018/3P.6C**