

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fifth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

and

The Hon`ble Mr Justice P.D.AUDIKESSAVALU

CRIMINAL ORIGINAL PETITION No.30156 of 2018

K.RAMANATHAN

[PETITIONER / ACCUSED]

Vs

THE DEPUTY SUPERINTENDENT OF POLICE, [RESPONDENT]
IDOL WING, CID,
CAMP OFFICE, TRICHY DISTRICT.
CRIME NO.222 OF 2017

For Petitioner : M/S.P.SESUBALAN RAJA Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 01.11.2018 in connection with the case in Crime No.222 of 2017 on the file of the respondent police, registered for the alleged offences under Sections 454(2) and 380(2) IPC, has filed this petition, seeking bail.

2.The case of the prosecution is that one Anantha Kumar Rao, Executive Officer of Sri Dharukavaneswarar Temple, Thiruparaithurai, Srirangam Taluk, Trichy District, lodged a complaint with regard to theft of three idols viz., Angalamman, Sandeekeswarar and Bogasakthiamman belonging to the said temple in between the period from 30.01.2014 to 12.06.2017 and the same was registered as Cr.No.222 of 2017 on the file of Jeeyapuram Police Station. Based on the preliminary enquiry, the petitioner was summoned, who is the malaikatti of the said temple and subjected to enquiry, during the course of which, it came to light that the defacto complainant i.e., the Executive Officer and one Kannan, who is the Accountant of the said temple, have stolen the aforesaid three idols; though the petitioner initially, questioned the same, later, he yielded to their pressure and he helped the other accused to prepare a bogus idol and replace it in the place of Angalamman idol and thereafter, when they made arrangements to prepare bogus idols for the remaining two idols, the fact of missing of three idols, came to the knowledge

of the higher officials of the HR&CE department, who, in turn, suspended the petitioner.

3.The learned counsel for the petitioner submitted that the petitioner is working only as a malaikatti of the said temple by drawing a monthly salary of Rs.1,800/- and he has nothing to do with the alleged offence. According to the learned counsel, the Executive Officer and the Accountant of the temple are the main accused and the petitioner has been falsely implicated in this case. The learned counsel further submitted that the petitioner has been in judicial custody for more than 85 days and hence, he may be considered for grant of bail.

4.On the other hand, the learned Additional Public Prosecutor submitted that there are three accused and the petitioner is arrayed as A3 in this case. According to him, the petitioner is working as a malaikatti of the temple and he helped the other accused to prepare a bogus idol and replace it in the place of Angalamman idol. However, the learned Additional Public Prosecutor submitted that the Executive Officer and the Accountant of the temple are the main accused in this case and are still in abscondence; and the petitioner has been in judicial custody from 01.11.2018 and hence, he may be considered for bail, of-course, subject to 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 Executive Officer and the Accountant of the temple are the main accused and the petitioner is only a malaikatti of the temple and he has been in judicial custody for more than 85 days, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(i)The petitioner shall execute a bond for 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)The petitioner shall appear and report before the Idol Wing officials, Thiruchirapalli, daily at 10.30am until further orders.

7. Accordingly, this Criminal Original Petition stands disposed of.

-sd/-
25/01/2019

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

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE
KUMBAKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
KUMBAKONAM [FOR INFORMATION]

2 THE IDOL WING OFFICIALS,
THIRUCHIRAPALLI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
IDOL WING, CID,
CAMP OFFICE, TRICHY DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

+1CC to P.SESUBALAN RAJA Advocate on payment of necessary
charges SR NO.1683

CRL OP.30156/2018

Date :25/01/2019

MK:29/01/2019