



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.6997 of 2019

A.T.PARANJOTHI

... PETITIONER/ACCUSED RANK NO.6

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
IDOL THEFT WING (ON SPL.OFFICER)
IN CRIME NO.55 OF 2019
ON THE FILE OF THE THIRUCHENDUR
TEMPLE POLICE STATION,
THOOTHUKUDI DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.G.SARAVANAKUMAR, Advocate

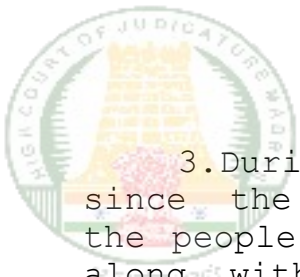
For Respondent : MR.K.CHELLAPANDIAN, Additional Advocate General for
MR.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is the Joint Commissioner, HR & CE Department, expected to be the custodian of the temple properties is facing criminal case for the offence punishable under Sections 120(b), 457 (2), 406, 109, 202 and 217 IPC in Crime No.55 of 2019, and he seeks anticipatory bail.

2. According to the petitioner, he was appointed as Joint Commissioner in Tiruchendur Temple as additional charge to his original post of Joint Commissioner, Tirunelveli. During his tenure as Joint Commissioner on 06.08.2017, the accused Nos.1 to 4 along with some other people have replaced the damaged peacock statue in front of the main deity Lord Arulmigu Subramania Swamy at Tiruchendur. The petitioner knowing about this incident has initiated an enquiry on 19.08.2017 and also restored the statue in the same place.



3. During the enquiry the accused Nos.1 to 4 have stated that since the statue was got damaged and it would not be auspicious for the people, they have replaced it. He has also reported the same along with his enquiry report to the Commissioner, HR & CE Department on 06.09.2017. But he was relieved as Joint Commissioner, Tiruchendur on 15.09.2017.

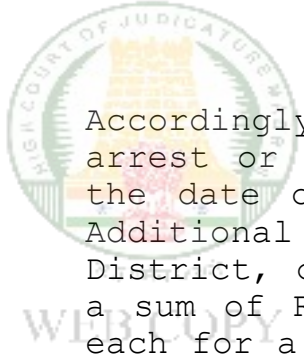
4. Thereafter, the Commissioner of HR & CE Department has ordered for an enquiry by the Additional Commissioner on 20.10.2017 and thereafter, on the instructions of the Commissioner, HR & CE Department, the subsequent Joint Commissioner lodged a police complaint before the Idol Wing on 21.01.2019. In turn, the Idol Wing has forwarded the complaint to the Tiruchendur Police and a case in Crime No.55 of 2019 has been registered on 01.05.2019.

5. The learned counsel for the petitioner would submit that the petitioner was only on additional charge and as soon as he came to know about the incident he has acted upon the same, conducted an enquiry and also duly informed the Commissioner, HR & CE Department about the incident. Since he has been relieved on 15.09.2017, he could not proceed further by lodging a complaint.

6. The learned Additional Advocate General has vehemently opposed for grant of anticipatory bail that there is a deliberate act on the part of the petitioner in not reporting this matter to the police and though the occurrence was taken on 06.08.2017, he had acted upon only on 19.08.2017. This statue was fixed permanently in front of the original deity and after the dharshan, there will not be any person and these accused were able to enter into the sanctum by stopping the CCTV network and committed an offence in such a manner and therefore, only by way of custodial interrogation the persons who have involved in commission of offence can be brought in for prosecution.

7. Heard the learned counsel appearing on either side and also perused the records filed in support of this petition. Admittedly, the occurrence took place on 06.08.2017, when this petitioner was on the additional charge as Joint Commissioner / Executive Officer of Tiruchendur Arulmigu Subramania Swamy Thirukovil. As soon as he came to know about the occurrence he conducted an enquiry on 19.08.2017 and submitted a report to the Commissioner, HR & CE Department on 06.09.2017. He also ensured that the original statue was replaced in the same place on 19.08.2017 itself. He awaited instructions from the Commissioner, HR & CE Department, while so, he was relieved from the additional charge on 15.09.2017. According to him, since he was on additional charge, he came to know about the occurrence only on 18.09.2017 and taken immediate steps and also restored the statue in the original place.

8. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.



Accordingly, he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Chief Judicial Magistrate, Kumbakonam, Thanjavur District, on condition that 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

(ii) the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of thirty days and thereafter, as and when required for the purpose of interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner absconds, the respondent police shall register a case as provided under Section 229-A IPC.

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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]***.

15/05/2019

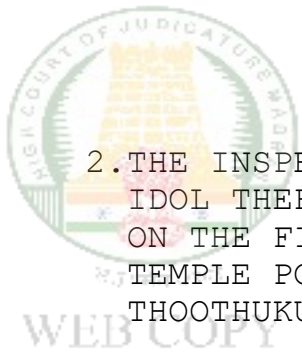
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

<https://hcservices.ecourts.gov.in/hcservices/>

1. THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
KUMBAKONAM, THANJAVUR DISTRICT.



2. THE INSPECTOR OF POLICE,
IDOL THEFT WING (ON SPL.OFFICER)
ON THE FILE OF THE THIRUCHENDUR
TEMPLE POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.G.SARAVANAKUMAR, Advocate SR.No.8524

ORDER

IN

CRL OP (MD) No.6997 of 2019

Date :15/05/2019

ta/sts/dsk

PK/PN/SAR-3/21.05.2019 : 4P/5C