



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8386 of 2019

N.Padmanaba Pillai

... Petitioner/Accused No.5

Vs

State represented by,
The Inspector of Police,
Idol Theft Wing (On Spl. Officer),
Tiruchendur Temple Police Station,
Thoothukudi District.
Crime No. 55 /2019.

... Respondent/Complainant

For Petitioner : M/s.J.Anandhavalli,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

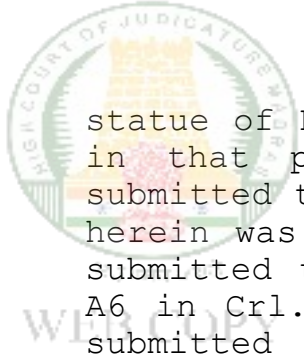
For Anticipatory Bail in Crime no. 55 /2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 109, 120(b), 202, 217, 406 and 457(2) of IPC, in Crime No.55 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner was working as Superintendent in the Arulmighu Subramania Swamy Temple, Tiruchendur. She further submitted that as per the F.I.R, on 06.08.2017 after Artha Sama Poojai, A1 and A2, who were Thirumenikavalars have removed the stone



statue of Peacock which was installed in front of Maha Mandapam and in that place they have installed a new statue. She further submitted that it is nowhere stated in the F.I.R that the petitioner herein was holding key at the relevant point of time. She further submitted that already this Court has granted anticipatory bail to A6 in CrI.O.P.(MD).No.6997 of 2019 dated 15.05.2019. She further submitted that the Sessions Court, Thoothukudi has granted anticipatory bail to A1 to A4 by the order dated 10.06.2019. She further submitted that the petitioner has been falsely implicated in the above case and he has not committed any offence as alleged by the prosecution. Hence, she prayed for grant of anticipatory bail to the petitioner.

4.The respondent Police has filed a counter affidavit stating that the petitioner is the Superintendent of the said temple and he only locked the Maha Mandapam and Ulpraharam, on 06.08.2017 and without his knowledge, the said statue could not have been replaced. It is further stated that on that date, the CCTV camera was also switched off.

5.Relying upon the aforesaid submission, the learned Government Advocate (CrI. Side) has opposed this petition.

6.In the F.I.R, it is stated that on 06.08.2017 after Artha Sama Poojai, A1 and A2 with the assistance of Tiruchendur Thirisudanthirar Kaikariya Sabha members and also out-siders, have replaced the old peacock stone statue with the new statue. It is nowhere stated in the FIR that the petitioner was holding key. Though the respondent has stated in his counter statement that it was only the petitioner who locked the Maha Mandapam and Ulpraharam on 06.08.2017, he has not produced any material to substantiate the said statement.

7.Taking into consideration of aforesaid facts and also the fact that already the Sessions Court has granted anticipatory bail to the Accused No.1 to 4, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

8.Accordingly, the petitioner 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 Judicial Magistrate, Thoothukudi, 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) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.



(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

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

(iv) The petitioner shall not abscond either during investigation or trial.

(v) 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

03/07/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THOOTHUKUDI

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI

3. THE INSPECTOR OF POLICE
IDOL THEFT WING (ON SPL. OFFICER),
TIRUCHENDUR TEMPLE POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.J.ANANDHAVALLI Advocate SR.No.73122

ORDER

IN

CRL OP(MD) No.8386 of 2019

Date : 03/07/2019