



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

Date : 24/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8693 of 2020

Mathavan

... Petitioner/Accused No.9

Vs

1.The State rep.by
The Inspector of Police,
Sankarankovil Taluk Police Station,
Tenkasi District.
(Formally Tirunelveli District)
Crime No.48 of 2017..

2.The Inspector of Police,
Trichy Idol Wing, Special Police,
Trichy District.

... Respondents/Complainants

For Petitioner : M/s. Niranjan S.Kumar,
Advocate.

For Respondents : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Cr.No.48 of 2017 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who is arrayed as A-9 apprehending arrest at the hands of the respondent police for the offences punishable under sections 457 and 380 of I.P.C., in Crime No.48 of 2017 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that totally there are nine accused persons have involved in the offence and this petitioner who is arrayed as A-9. The allegation is that A-1 & A-2 said to have stolen idols from various temples and so far as this petitioner is concerned the petitioner has arranged car for felicitating the theft. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person. He further submitted that the alleged car is not stands in the name of the petitioner herein and stands in the name of one Raja and the said car was not seized. The petitioner herein was falsely implicated based on the confession statement of the co-accused. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that the petitioner herein has taken a car from one Raja and he has given the car to the other accused for transporting idols and he has also involved in two other cases. He further submitted that, that apart after the occurrence, the petitioner has also dismantled the car. He further submitted that in the aforesaid two cases, the petitioner herein was enlarged on bail and the other accused were also enlarged on bail.

6. Considering the fact and circumstances of the case and considering the fact that the allegation against the petitioner is that he has given his car to the other accused persons which was used for transporting idols, that apart the petitioner has also granted bail in two other cases and the alleged car was dismantled and also considering the other circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

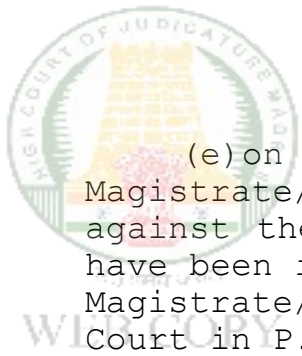
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Additional Chief Judicial Magistrate, Kumbakonam, and on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation



(e) 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]; and;

(f) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/08/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
KUMBAKONAM.
2. THE INSPECTOR OF POLICE,
SANKARANKOVIL TALUK POLICE STATION,
TENKASI DISTRICT.
(FORMALLY TIRUNELVELI DISTRICT)
3. THE INSPECTOR OF POLICE,
TRICHY IDOL WING, SPECIAL POLICE,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8693 of 2020
Date : 24/08/2020

KSA
TK/PN/SAR.3/27.08.2020/3P/5C