



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23153 of 2021

Punitha Selvam

... Petitioner

Versus

State Rep by
The Inspector of Police
Idol Wing CID, Guindy,
Chennai - 32
(Crime No.8 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.8 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr. K. Shanmugam

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest for the alleged offences under Section 41(1)(d), 102 of Cr.P.C. and thereafter the provision was altered under Section 380 of IPC in Cr.No.8 of 2021 dated 17.10.2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that based on the secrete information in respect of smuggling of Idol, the Sub-Inspector of Police, Idol Wing Kumbakonam, and his team arrested Six persons for abducting Metal Statues in the bag on two bikes bearing Registration No.TN 19 9856 TVS Jupiter and TN-75-H-6411 Honda. As per the confession statement of A6- Sundhara Moorthy, the petitioner who is the close relative (Brother in Law) of the A5 Kumaran, the Idols came to the A6-Kumaran, through the petitioner herein. Hence, the petitioner is arrayed as A8 in this case.



3.The learned counsel appearing for the petitioner submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner is close relative (brother in law) to the Accused-6-Kumaran who was arrested along with five other accused in the said FIR. Further, the A4 and A5 has been granted bail in this case by order dated 13.12.2021 passed by the Additional Chief Judicial Magistrate Court, Kumbakonam. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submits that the seven accused persons who were arrested in this case did not disclose the fact from where the Meenakshi Ammon Metal Idol was stolen. The only clue and lead available the investigator is to secure the petitioner- A8 and from him only the actual provenance of the Meenakshi Amman Metal Idol is to be discovered. The custodial interrogation of the accused is mandatory and further submits that the investigation is almost completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that as the investigation is almost completed and A5 and A6 has been granted bail in Crl. M.P. No.1816 of 2021 by order dated 13.12.2021 of the Additional Chief Judicial Magistrate Court, Kumbakonam, in this case while the petitioner herein is arrayed A8 in this case being close relative to A5-Kumaran, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their 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 Court, Kumbakonam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or 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 Court concerned 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 on every Saturday at 10.30 a.m. for a period of two months and thereafter, as and when required for interrogation and the petitioner shall appear before the respondent police as and when required for interrogation;



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

(d)the petitioner shall not abscond either during investigation or trial;

(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 anticipatory 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

21/12/2021

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 ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
KUMBAKONAM.

2 THE INSPECTOR OF POLICE,
IDOL WING CID,
GUINDY, CHENNAI-32

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.SHANMUGAM Advocate on payment of necessary charges SR.NO.15353

CRL OP.23153/2021

Date :21/12/2021

RW 29/12/2021