



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23863 of 2021

Farooq Ahmed Quazi

... Petitioner

Versus

State represented by
The Inspector of Police,
Idol CID Wing,
Headquarters Guindy,
Chennai - 600 032.
(Crime No.7 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner / Accused on bail in the event of arrest by the respondent police in Crime No.7 of 2021 on the file of the Inspector of Police, Idol CID Wing, Guindy, Chennai - 32.

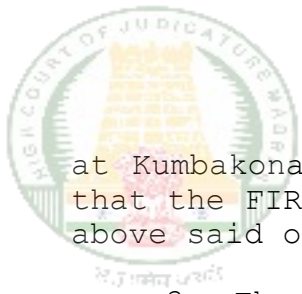
For Petitioner : Mr.N.R.Elango, Senior Advocate for
M/s.Surana and Surana

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 454(2), 457(2), 380(2), 411 and 414 of IPC and Section 25(2) of AAT Act, 1972 and others in Crime No.7 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 02.11.2021 the petitioner was shocked and surprised to see the news report on arrest of Mr.Venkatesan and Mr.Ananda Kumar, for being involved in the offence of idol theft which was suspected to be antique. On the same day, the petitioner was given to understand that the said Mr.Venkatesan and Mr.Andnda Kumar have been remanded to the Sub Jail



at Kumbakonam. On the date of remand, the petitioner was made aware that the FIR in the above crime number had been altered to include the above said offences. Hence this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner was running SAGA Department Stores Limited, more than decades and the petitioner having all invoices with regard to purchase all the articles and the petitioner attempted to sell the idols. He further submitted that the petitioner is ready to give co-operation for investigation and they also filed affidavit to that effect stating that already the respondent police recovered the idols, 5 were recorded and 2 of the idols are traced out due to the Covid-19 and another one is traced out and handed over to the respondent police. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that still more than the properties are yet to be recovered, investigation not yet been completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, on perusal of the affidavit the petitioner shall give co-operation of investigation, given undertaking that he would not sell those idols and also showing medical proof about his illness, considering all, 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 his appearance before the learned Additional Chief Judicial Magistrate, Kumbakonam, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) 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 on first working day of every month at 10.30 a.m., until further orders and co-operate for investigation;



(c) the petitioner shall not tamper with evidence or witness either during investigation or trial. The undertaking affidavit given by him shall form part of the proceedings;

(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 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/-

13/12/2021

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 THE ADDITIONAL CHIEF JUDICIAL
MAGISTRATE, KUMBAKONAM.

2 THE INSPECTOR OF POLICE,
IDOL CID WING, HEADQUARTERS GUINDY,
CHENNAI -600032

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.SURANA AND SURANA Advocate on payment of necessary charges SR.NO.14594

CRL OP.23863/2021

Date :13/12/2021

RW 16/12/2021