



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9436 of 2021

Tamil@tamilselvan

... Petitioner/Accused No.2

Vs

The State Represented by
The Inspector of Police,
Bodinayakkanur Town Police Station,
Theni District.
(Crime No.55 of 2021).

... Respondent/Complainant

For Petitioner : Mr.P.Sivachandran,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.55 of 2021 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 alleged offences punishable under Sections
457(2), 380(2), 411, 414 IPC in Crime No.55 of 2021, seeks
anticipatory bail.

2.The case of the prosecution is that the police party during
vehicle check, stopped a car bearing registration No.TN01K1957 at
Bodi Bojan Park Bus Stop. When they were enquired the occupants,
they have answered contradictory. On suspicion over their act, a
search was conducted and they found a sack, which contained a
Natarajar idol, measuring 2 ½ feet height and 2 feet breadth.
Accused Manikandan had no license, permission or authority to
possess this idol. During enquiry, it came to be known that the
Natarajar idol was stolen from temple and they were transporting the
same for sale. Hence, the complaint.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. It is his further submission that the co-accused had been arrested and released on bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed and some of the accused are still absconding. Only if the accused are apprehended, their role in this case and similar other offences, if any committed by them, will be known.

5.It is a case of idol theft. It is alleged that Natarajar idol, measuring 2 ½ feet height and 2 feet breadth, was stolen from the temple and illegally transported for the purpose of sale. Some of the accused are still absconding and due to the same, investigation is not completed. As rightly pointed out by the learned Government Advocate(Crl.side) that only after apprehension of the accused, their role in this case and any other similar offences will be known. In this circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

16/07/2021

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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 INSPECTOR OF POLICE,
BODINAYAKKANUR TOWN POLICE STATION,
THENI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.9436 of 2021

Date :16/07/2021

GNS

<https://hccs.cse.courts.nic.in/ncservices> 15.07.2021 : 2P/3C