



Crl.O.P.No.28068 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 41(1)(d) of IPC r/w 102 of Cr.P.C in Crime No.52 of 2022, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant/Elango who is the Inspector of Police, Idol Wing CID, South Zone, Thirunelveli Range is that on 07.11.2022, on information the defacto complainant had attempted to conduct a search at the residence of the petitioner in the presence of Village Administrative Officer and they found 22.80 kgs of Bronze Balajai Statue and when it was enquired, the petitioner was unable to give proper explanation for the statue which is in the possession of him. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is a junior of one Mr.Natarajan, who is a Senior Advocate and he was in possession of the statue and the Inspector of



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Police, Bansavadi Bangalore Police Station, has registered a case against his senior in Crime No.363 of 2007 for possessing the statue and thereafter, they filed the final report before the Metropolitan Magistrate Traffic Court-I, Bangalore in C.C.No.93 of 2008, in which, the petitioner's senior was acquitted of the charges. Thereafter, the statue was handed over to the petitioner's senior and he expired during the year 2018 and before his demise, the statue and the case bundles were handed over to the petitioner. The petitioner was possessing the statue and it was recovered by the respondent Police. The petitioner was present at the scene of occurrence and he did not run away from the scene of occurrence and he had handed over the statue to the respondent Police. He would further submit that the petitioner is ready to appear before the respondent Police for the purpose of investigation. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner was found in illegal possession of bronze balaji statue without any permission. He would



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further submit that there is no previous case pending against him. Hence, he prays for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel for the petitioner, 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, within a period of fifteen days from the date on which the order copy made ready, before the learned Chief Judicial Magistrate, Kumbakonam, on condition that the petitioner shall execute 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



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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 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 Inspector of Police, Idol Wing, Coimbatore daily at 10.30 a.m, for a period of two weeks and thereafter, 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



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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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

28.11.2022

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