



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

Date : 09/03/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.3952 of 2022

V.Chinna Pandi

... Petitioner/Accused
(Rank not Known)

Vs

The State Rep. By,
The Inspector of Police,
Idle Wing South Zone,
Tirunelveli.
(Cr.No.69 of 2018
Seevalaperi Police Station)

... Respondent/Complainant

For Petitioner : M/s.Sudalaiyandi K,
Advocate.

For Respondent : Mr.Meenakshi Sundaram,
Additional Public Prosecutor

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

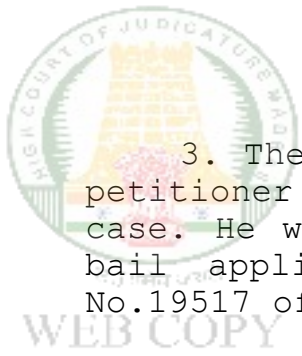
PRAYER :-

For Anticipatory bail in Crime No.69 of 2018 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 380(2) & 457(2) of IPC, in Crime No.69 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 21.04.2018, at about 06.30 a.m, when the Archagar of 'Arulmigu Chokkanathar Swamy Kovil, Tirunelveli, reaching the temple to perform his usual poojas, he found that the locks of outdoor, Artha Mandapam and Karuavarai had broken and came to know that the ancient Alagar Sundararaja Perumal Statue, Sree Devi Statue, Poo Devi Statue, Andal Statue, Iron Hundiyaal and a Valampuri Sangu have been stolen from the above said temple. The entire value of the property is Rs.2,69,000/-. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that this is the second anticipatory bail application. Earlier bail application filed in Crl.OP(MD) No.19517 of 2021 was dismissed by this Court.

4.The learned Government Advocate (Crl. Side) for the respondent police would submit that earlier anticipatory bail application was dismissed by this Court on the ground that the offence involved is serious in nature.

5.The contention on the part of the learned counsel for the petitioner is that the petitioner is only the owner of vehicle. Without knowing the purpose of the co-accused, his vehicle was hired and also drove the same. Except that, he is not involved in the above said stealing or transporting of the idols.

6.The learned Additional Public Prosecutor would submit that only in the year 2021, investigation has been taken by the Idol Theft Wing, Tirunelveli. Some of the accused persons are absconding. The petitioner is also hiding. Knowing the fact fully well that the idols were stolen and transported, he drove the vehicle. So, the custodial interrogation of the petitioner is very much required.

7.The learned counsel for the petitioner would submit that the petitioner is a heart patient and he is undergoing treatment. To show that, he has also produced a copy of the treatment.

8.But, however, considering the gravity of the offence and considering the fact that some of the accused persons are absconding, I find that the illness cannot be a ground for enlarging the petitioner on anticipatory bail. This Criminal Original Petition deserves dismissal and accordingly, the same is dismissed.

sd/-
09/03/2022

/ TRUE COPY /

/ /2022
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,
IDLE WING SOUTH ZONE,
TIRUNELVELI.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3952 of 2022
Date :09/03/2022

USK/VR/SAR-III/15.03.2022/3P/3C