



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2022

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PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17002 of 2022

1.Venghadajalapathi
2.Sarathkumar

... Petitioner/Accused Nos.5 & 6

Vs

State Rep.by
The Inspector of Police,
IDOL Wing-CID,
Chennai.
(Crime No.30 of 2022)

... Respondent/Complainant

For Petitioners : M/s.Rameshkumar.D, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

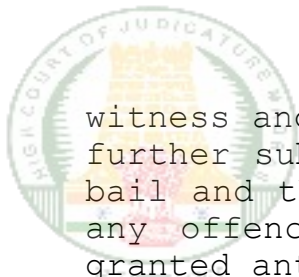
For Anticipatory Bail in Crime No.30 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 342, 457(2), 392, 109 and 102-B of IPC, in Crime No.30 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the respondent police got secret information about some suspects illegally kept antique idols and tried to sale the same. Hence, the respondent police met the suspects with the help of the secret informer and asked the suspects to bring the idols for fixing the price. On 17.08.2022, the accused persons brought the said idols and the respondent police secured the accused persons and registered a case.

3.The learned counsel for the petitioners would submit that no recovery had been made against the petitioners and only based on the confession statement of the co-accused, the petitioner has been implicated in this case. Further there is no private recovery



witness and the recovery made in front of the police only. I would further submit that the accused Nos.1 to 4 were already released on bail and the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

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4. The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of anticipatory bail to the petitioner stating that the petitioners colluded with the other accused and committed the theft of idols. The investigation in this case is still pending. In this stage anticipatory bail may be granted to the petitioners, they will abscond from the clutches of law and will tamper the witnesses and hamper the investigation process. He would further submit that in this case, till now, twelve witnesses have been examined and the property has been recovered. Further, the co-accused were released on bail by the learned Chief Judicial Magistrate, Kumbakonam.

5. Considering the facts and circumstances of the case and considering the fact that the property has been recovered and also the facts that the co-accused were already released on bail and twelve witnesses have been examined so far, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

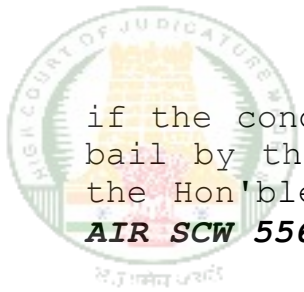
6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Chief Judicial Magistrate, Special Court for Idol Wing, Kumbakonam, on condition that the petitioners 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

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

(d) the petitioners 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 petitioners in accordance with law as



if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/10/2022

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/11/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

To

- 1 THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
SPECIAL COURT FOR IDOL WING, KUMBAKONAM.
- 2 THE INSPECTOR OF POLICE, IDOL WING CID, CHENNAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.17002 of 2022

Date :28/10/2022

CP

RS/VR/SAR.1(17.11.2022) 3P-4C