



Crl.O.P.No.23010 of 2023

Crl.O.P.No.23010 of 2023

WEB COPY

C.V.KARTHIKEYAN, J.

The petitioner seeks anticipatory bail in Crime No.37 of 2022 registered by the respondent police for the offences punishable under Section 41(1)(1)(d) of Cr.P.C.

2. It is the case of the prosecution that the petitioner had been in possession of seven suspected Antique Metal Idols and two suspected Antique paintings. Therefore, notice under Section 41-A of Cr.P.C., had been issued to the petitioner herein .

3. Mr.P.S.Raman, learned Senior Counsel for the petitioner states that all the items mentioned by the respondent in the FIR have been duly notified to the petitioner's authorities and the petitioner would appear before the respondent.

4. It is also stated that the petitioner had actually appeared before the respondent today and it is stated that out of nine items, seven items have



Crl.O.P.No.23010 of 2023

been returned back to the petitioner herein and the remaining two items have to be verified as to whether they are antiques and on other details.

5. It is also stated that further investigation will have to be done but however, custodial interrogation of the petitioner is not required since the investigation is only at the initial stage and hence, the presence of the petitioner is not required.

6. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall appear before the respondent police whenever notice under Section 41-A of Cr.P.C., is issued and co-operate with the investigation. If the respondent directs the petitioner to produce any document, the petitioner should produce such documents and other materials as directed by the respondent.

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 **XVIII Metropolitan**



Crl.O.P.No.23010 of 2023

Magistrate, Saidapet, Chennai, on condition that the petitioner shall execute a bond for a sum of **Rs.1,00,000/- (Rupees One Lakh only)** with two sureties 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 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 appear before the respondent police as and when required for interrogation, if notice is issued and if the petitioner does not appear on receipt of notice being issued, then necessary application may be filed.

[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 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]**.



Crl.O.P.No.23010 of 2023

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

8. The respondent shall continue with their investigation by forwarding the said two Antique Metal Idols for further investigation and also verify the certificates produced by the petitioner herein. If at any stage, the respondent has an opinion that the petitioner is not co-operating with the investigation, the respondent is at liberty to file necessary application seeking cancellation of this particular order.

10.10.2023

ata/pal



WEB COPY



Crl.O.P.No.23010 of 2023

C.V.KARTHIKEYAN, J.

ata

Crl.O.P.No.23010 of 2023

10.10.2023