



WEB COPY



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

Date : 20/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5285 of 2023

Saravanan

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Avinangudi Police Station,
Cuddalore District.
Crime No. 17 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Prabhu K.A.S.,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

To enlarge the petitioner / Accused No.2 on bail in Crime No. 17/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner /A2 who was arrested and remanded to judicial custody on 11.02.2023 for the offences under sections 457(2),380(2), 411,120(b) IPC r/w.25(2) Tamil Nadu Antiques Arts Treasures Act, 1972 of IPC in Crime No.17 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 11.02.2023 when the respondent police was on surveillance they found three male persons who were suspicious inside his house and on enquiry it reveals that they were Saravanan, Ramachandran, Periysamy and on further enquiry it came to light that A1 kept the metal idol of Natarajar Statue about two feet worth about Rs.8 Crores in his house and it was given to him by A5 1 ½ years ago in order to sell it and in turn on 11.02.2023 A1 along with A2 to A4 planned to sell it and that time the accused persons were arrested and a case came to be registered.



4. There are totally six accused in this case and the petitioner herein is arrayed as A2. Even according to the case of prosecution the fifth accused has given the idol to the first accused in order to sell the same and at that time the petitioner was present in the house, therefore he has been implicated in this case. Further A6 was arrested and released on bail by this Court. Taking into consideration of the facts and submissions made by the learned counsels and also the period of incarceration this court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional Chief Judicial Magistrate/Special Court for IDOL theft Cases, Kumbakonam, and on further conditions that:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M. and 5.30 P.M., until further orders.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

sd/-

20/03/2023

/ TRUE COPY /

20/03/2023

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 THEFT CASES,
KUMBAKONAM.

2 THE INSPECTOR OF POLICE
AVINANGUDI POLICE STATION,
CUDDALORE DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, TIRUCHIRAPPALLI.

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

+1. CC to M/S.PRABHU K.A.S. Advocate SR.No.4537

ORDER

IN

CRL OP (MD) No.5285 of 2023

Date :20/03/2023

SS/MMS/SAR /20/03/2023/3P/6C