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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 01/06/2023

PRESENT

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

CRL OP(MD) . No.9050 of 2023

1. Guru @ Paramaguru,
2. Saktheswari,
3. Mathanprakash,

... Petitioners/Accused Rank Not Known

Vs

State Rep.by  
The Inspector of Police,  
Idol Smuggling Prevention Unit,  
Dindigul Division, Dindigul District  
(Crime No.59 of 2022). ... Respondent/Complainant

For Petitioner : M/s.Sivaram.J.,  
Advocate.

For Respondent : Mr.B.Thanga Aravindh,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.59 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/Accused who apprehend arrest at the hands of the respondent police for the offences punishable under sections 41 (1)(d), 102 of IPC @ section 41(1)(d), 102 and 420 of IPC in Crime No. 59 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the first petitioner said to have committed theft of idols, hence the case.

<https://www.mhc.tn.gov.in/judis>



3. Heard both side and perused the materials available on record including the First Information Report.

4. It is reported that the petitioners 2 and 3 are not arrayed as accused, hence the petition stands dismissed as against the second and third petitioners. It is seen that the first accused who is an astrologer on the instructions of other accused had dig a hole in front of a house and had taken three antique idols. Now the said idols have been recovered and sent to lab for examination, Therefore custodial interrogation of the first petitioner does not require in this case, hence this court is inclined to grant anticipatory bail to the first petitioner , with certain conditions:

5. Accordingly, the first 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 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) with two sureties each 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 first 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 first petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation

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

[d] the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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.

sd/-  
01/06/2023

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

AAV  
TO

- 1 THE JUDGE,  
SPECIAL COURT FOR IDOL WING, KUMBAKONAM.
- 2 THE INSPECTOR OF POLICE  
IDOL SMUGGLING PREVENTION UNIT,  
DINDIGUL DIVISION,  
DINDIGUL DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.9050 of 2023  
Date :01/06/2023

PKP/BUC/SAR- /02.06.2023/ **3P/4C**