



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 31/03/2023
PRESENT

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

CRL OP(MD). No.17240 of 2022

K.RAMACHANDRAN

... PETITIONER

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
CID, IDOL WING,
KUMBAKONAM RANGE.
CRIME NO.35 OF 2022

... RESPONDENT

(Crime Number AMENDED as per order of
this Court dated 01/11/2022 in CRL MP
(MD)No.13093/2022 in CRL.OP(MD)
No.17240/2022 by AANJ.)

For Petitioner : M/s.Giri Shankar.V,
Advocate.

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

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

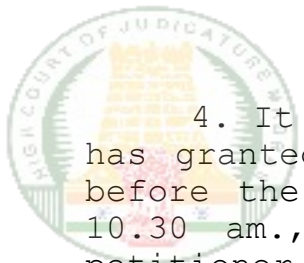
PRAYER :- For Anticipatory Bail in Crime No.35 of 2022 on the
file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who arrayed as accused, apprehending arrest at
the hands of the respondent police for the offences punishable under
Sections 41(1)d and 102 Cr.P.C., in Crime.No.35 of 2022, seeks
anticipatory bail.

2. The case of the prosecution is that on receiving secret
information on 16.09.2022, the respondent police visited the place
of the Idol Shop, which was run by the petitioner in the name and
style of " Metal Crafts" and in that, the petitioner herein is found
in possession of 7 Nos. of Antique Idols illegally and he has not
produced any documents obtained from the authority for the above
said statues. Hence, the complaint.

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



4. It is seen that while pending anticipatory bail the Court has granted interim bail to the petitioner on condition to report before the respondent police once in a week on every Monday at 10.30 am., until further orders. As ordered by this Court the petitioner has appeared before the respondent and seven idols has been recovered from him and sent to Archeological department. Further no previous case is pending against the petitioner. In view of the same custodial interrogation of the petitioner is not required in this case, hence this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5. 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 Special Court for Idol Wing Cases, Kumbakonam on condition that the petitioner 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 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 report before the respondent police daily at 10.30 am., and 5.30 pm., for a period of four weeks and thereafter as and when required for interrogation.

[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].

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

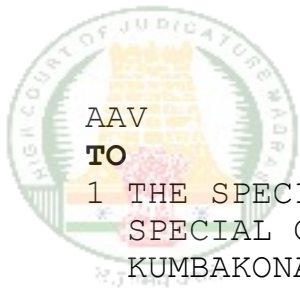
sd/-

31/03/2023

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/04/2023

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



AAV

TO

1 THE SPECIAL MAGISTRATE,
SPECIAL COURT FOR IDOL WING CASES,
KUMBAKONAM.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
CID, IDOL WING,
KUMBAKONAM RANGE.

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

ORDER

IN

CRL OP(MD) No.17240 of 2022

Date :31/03/2023

SA/CG/SAR.2/10.04.2023/3P/5C