



Crl.O.P.No.28938 of 2024

Crl.O.P.No.28938 of 2024

A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection in connection with Crime No.233 of 2024, registered for the offences punishable under Sections 331(3), 331(4), 61(2)(a), 317(5), 305(d) of B.N.S. Act 2023, the present petition has been filed seeking anticipatory bail.

2.The case of the prosecution is that on 25.09.2024, around 1.00 a.m. the respondent police were indulged in regular check near Madina mosque, New Avadi Road when two unidentified persons were fleeing on seeing the police. One person who was sitting behind the two wheeler fell down while trying to escape, and when the respondent police enquired him and he was found to be in possession of a Murugan Idol, which was intended to be smuggled. Hence the case.

3.Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He would further submit that he is ready to abide by any stringent condition that may be imposed by this Court.



Crl.O.P.No.28938 of 2024

WEB COPY

4.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that based on the confession of the arrested accused two other idols were recovered from the house of A2 and A3. The petitioner along with other accused planned to sell the idols in the Foreign countries for a considerable amount. The arrested accused has been released on bail. He would further submit that there is no previous case as against this petitioner.

5.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned V Metropolitan Magistrate at Egmore, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intend to arrest or to the satisfaction of the learned Magistrate



Crl.O.P.No.28938 of 2024

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 his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police on every day at 10.30 a.m. for a period of two weeks and thereafter on every Saturday at 10.30 a.m. until further orders;

[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



Crl.O.P.No.28938 of 2024

Court himself as laid down by the Hon'ble Supreme Court

WEB COPY

in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

*[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 269 of B.N.S.*

25.11.2024

ah



WEB COPY



Crl.O.P.No.28938 of 2024

A.D.JAGADISH CHANDIRA, J.

ah

Crl.O.P.No.28938 of 2024



WEB COPY



Crl.O.P.No.28938 of 2024

25.11.2024