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Crl.O.P.No.8441 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 8441 of 2025

Raja

Petitioner(s)

Vs

1. The State Represented by,
The Inspector of Police,
Tiruvannamalai Town Crime Police Station,
Tiruvannamalai District.
(Ref. Cr.No.653/2017 dt. 21.09.2017)
(Now Case transferred to Idol Wing, Villupuram Range)

2. The Inspector of Police,
Idol Wing CID,
Villupuram Range, Villupuram District.

Respondent(s)

For Petitioner(s): Mr.M.Raja

For Respondent(s): Mr.S.Balaji,
Government Advocate (Criminal Side)

PRAYER To enlarge the petitioner on anticipatory bail in the event of his arrest
by the Respondent in Crime No.653 of 2017 on the file of the Respondent.



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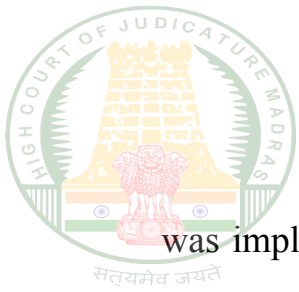
ORDER

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 454(2), 457(2), 380(2), 411(2), 224, 414 of IPC r/w Sections 25(1) and 25(2) of Antiques and Art Treasures Act, in Crime No.653 of 2017, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that, the petitioner along with other accused attempted to smuggle idols in their car.

3. Learned counsel appearing for the petitioner submitted that the petitioner, who is a retired Head Constable in Border Security Force, is innocent; that the allegations are false; that the offence is stated to have been taken place in the year 2017; that the petitioner was implicated in this case only based on the confession statement recorded from the other accused; and that in any case, custodial interrogation is not required and sought for anticipatory bail for the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions, confirmed that the petitioner



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was implicated in this case based on the confession statement recorded from A3;

that the idols were also seized by the respondent and that the petitioner has no bad antecedents.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the materials available on record.

6. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsel on either side, the fact that the case is of the year 2017, the idols have been seized, the petitioner has no bad antecedents and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 learned **Chief Metropolitan Magistrate, Egmore, Chennai**, on condition that the petitioner shall execute a separate 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



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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 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]*;



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

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To

1. The Inspector Of Police,
Tiruvannamalai Town Crime Police Station,
Tiruvannamalai District.
2. The Inspector of Police,
Idol Wing CID,
Villupuram Range, Villupuram District.
3. The Chief Metropolitan Magistrate,
Egmore, Chennai.



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SUNDER MOHAN J.

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