



CRL OP(MD). No.4448 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.03.2026

PRESENT

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Praveenkumar

... Petitioner / Accused No.4

Versus

1.The State of Tamilnadu,
Rep by the Inspector of Police,
Idol Wing Chennai Police Station,
Idol Wing,
Chennai.
(Crime No.2 of 2026)

2.The Sub-Inspector of Police,
Idol Wing CID,
Kumbakonam Range,
Thanjavur District.

... Respondents/Complainants

PRAYER :-Criminal Original Petition filed under Section 482 of the BNSS, 2023, to enlarge the petitioner on bail in the event of arrest in Crime No.2 of 2026 on the file of the respondent police or on his appearance.

For Petitioner : Mr.B.Shasitharan,
Advocate



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For Respondents : Mr.M.Karunanithi,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

The petitioner/accused, apprehending arrest at the hands of the respondent police in Crime No.2 of 2026 for the offences punishable under Sections 35(1)(e) and 106(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and Section 305(d) of the Bharatiya Nyaya Sanhita, 2023, has filed the present petition seeking anticipatory bail.

2. The case of the prosecution is that, on 06.02.2026, based on secret information regarding the illegal transportation of antique idols, the respondent police intercepted a vehicle bearing Registration No.TN-43-Q-5896 on the Chennai National Highway. Upon inspection, it was found that the vehicle was transporting antique idols. At that time, four persons were present in the vehicle, including the petitioner. However, on noticing the police, the petitioner allegedly fled from the scene of occurrence, based on which a case came to be registered against him and the other accused. The co-accused were subsequently arrested, and based on their confession and the materials collected during



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investigation, the involvement of the petitioner came to light. It is further stated that the investigation has revealed the existence of a larger network involving multiple accused, including a company, and that the investigation is still in progress.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and has not been involved in the alleged occurrence. It is contended that he was not present at the scene of occurrence and has been falsely implicated only on the basis of the confession of the co-accused. It is further submitted that the petitioner has no previous criminal antecedents. Hence, he prayed for grant of anticipatory bail to the petitioner. The learned counsel further relied upon the judgments of the Hon'ble Supreme Court in *Arnesh Kumar v. State of Bihar* reported in (2014) 8 SCC 273 and *Mohd. Asfak Alam v. State of Jharkhand* reported in (2023) 8 SCC 632, and contended that, in the absence of issuance of notice under Section 35(3) of the Bharatiya Nyaya Sanhita, initiation of coercive action against the petitioner amounts to an abuse of process of law.



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4. *Per contra*, the learned Government Advocate (Criminal Side)

would submit that the petitioner was present at the scene of occurrence and fled upon noticing the police. It is further submitted that the Investigating Agency has collected sufficient materials, including CCTV footage, to establish the involvement of the petitioner. The value of the seized antiques is stated to be more than Rs.10 crores, and the offence involves a serious conspiracy relating to the illegal trafficking of antiquities. It is also submitted that the remaining accused are yet to be secured and that the authorities are awaiting the Antiquity Certificate from the competent department. Considering the stage of investigation, custodial interrogation of the petitioner is necessary. Hence, he strongly opposed the grant of anticipatory bail to the petitioner.

5. This Court, upon considering the submissions made on either side and on perusal of the case records, finds that the contention of the petitioner that he was not present at the scene of occurrence and has been implicated only based on the confession of the co-accused cannot be accepted at this stage. The materials placed before this Court, including CCTV footage, *prima facie* indicate the involvement of the petitioner.



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Further, the allegations pertain to illegal dealing in valuable antiquities worth several crores, and the investigation is at a crucial stage. The conduct of the petitioner in allegedly fleeing from the scene of occurrence also weighs against him. Insofar as the reliance placed by the learned counsel for the petitioner on the judgments of the Hon'ble Supreme Court is concerned, this Court is not inclined to accept the same, as, in the present case, the petitioner is alleged to have absconded from the scene of occurrence, and therefore, issuance of notice under Section 35(3) of the *Bharatiya Nyaya Sanhita* is not mandatory. Considering the seriousness of the allegations, the stage of investigation, and the necessity for custodial interrogation, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

06.03.2026

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To

1. The Inspector of Police,
Idol Wing Chennai Police Station,
Idol Wing,
Chennai.
2. The Sub-Inspector of Police,
Idol Wing CID,

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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

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ORDER
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