



Crl.O.P.No.16395 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC in Crime No.532 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the property belong to Mayurnadhaswami Temple, Mayiladuthurai and these petitioners converted them into plots and after fabricating documents, sold to the tune of Rs.10 crores. Hence, the complaint.

3. The learned counsel for the petitioners would submit that in respect of the very same issue, the second petitioner already filed suit in OS.No.263 of 2021 and it is pending. However, the false case has been filed against the petitioners. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the



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petitioners are arrayed as A1 and A2, who are father and son. He would further submit that the petitioners sold the temple property to the tune of Rs.10 crores. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The first petitioner was appointed as Power Attorney of the present trustees of “Adikama Kattalai and Uchikala Kattalai” of the temple i.e Arulmigu Mayurnadhasami Temple, Mayiladuthurai by the power of attorney dated 01.07.2003, 12.12.2018 and 18.12.2018. Accordingly, the first petitioner was authorised for occupation of the lands belong to the above said two kattalais by several persons and he collected ground rent from them. A public notice was also issued in this regard. Therefore, the present complaint has been lodged as against the petitioners. It is also seen that the second petitioner already filed suit in OS.No.263 of 2021 and it is pending. Therefore, the custodial interrogation of the petitioners does not require in this case. Therefore, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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6. Accordingly, the petitioners are 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 Judicial Magistrate Court, Mayiladuthurai, on condition that each of the petitioners 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 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness



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either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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