



Crl.O.P.No.20090 of 2022

WEB COPY

Crl.O.P.No.20090 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Section 380 of IPC in Crime No.386 of 2022, seek anticipatory bail.

2. The case of the prosecution is that on 14.08.2022 at 3.00pm., the petitioners broke open the undiyal of Grama Vembadi Mariyamman Temple at Thaiyur Village and taken cash of Rs.8,500/- from the undiyal. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the first petitioner is ex-village panchayat President, Thaiyur Village and the second petitioner is elder person in the said village. Therefore, he prays to grant anticipatory bail to the petitioners.



Crl.O.P.No.20090 of 2022

WEB COPY

4. The learned Government Advocate (Crl.Side) would submit that the petitioners broke open the undiyal of Grama Vembadi Mariyamman Temple at Thaiyur Village and taken cash of Rs.8,500/- from the undiyal. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. As far as the first petitioner is concerned, it is seen that all the three cases against him were disposed of by way of quashing the cases . That apart, the first petitioner is a Dharmakarthha of temple and there is a dispute between the temple authorities.

6. Considering the above facts and circumstances of the case and also considering the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen



Crl.O.P.No.20090 of 2022

WEB COPY

days from the date on which the order copy made ready, before the ***learned Judicial Magistrate, Gingee*** on condition that the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 first petitioner shall report before the respondent police daily at 10.30 a.m. for a period of three weeks and thereafter as and when required for interrogation and the second petitioner shall report before the respondent police as and when required for interrogation.



Crl.O.P.No.20090 of 2022

WEB COPY

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

25.08.2022

Vv



WEB COPY



Crl.O.P.No.20090 of 2022

G.K.ILANTHIRAIYAN, J.

Vv

Crl.O.P.No.20090 of 2022

25.08.2022