



Crl.OP.No.27818 of 2022

A.D.JAGADISH CHANDIRA, J.

WEB COPY

The petitioner, who apprehends arrest for the alleged offences under Section 379 of IPC in Crime No.456 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Executive Officer of Arulmighu Veerakumarasamy Temple Incharge-Vikrama Sozheeswarar Temple, Vellakovil, Kangayam TK, Tiruppur District is that the lands in S.F.No.1006 in Pachapalayam Village belongs to Kannapuram Arulmighu Vikirama Chozheeswarar Temple and the maintenance of the same also comes within the control of the defacto complainant. It is further alleged that on 04.11.2022, when the defacto complainant had visited the above land, it was found that the accused had committed theft of sand worth about Rs.1,00,000/- from the temple land. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a adjacent land owner having lands in SF.No.1055/2 of Pachapalayam Village. He would also submit that there was soil erosion



WEB COPY

during the incessant heavy rains and thereby, the soil had eroded into his land and the petitioner has not committed theft as alleged by the prosecution. He would further submit that without prejudice to his rights, the petitioner is ready and willing to deposit a sum of Rs.25,000/- in favour of the Executive Officer of the said temple and he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is a land owner and committed theft of soil from the temple land. Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.

5. Heard the submissions made by counsel and perused the materials available on record including the patta issued in favour of the petitioner.

6. Taking into consideration the facts and the submissions made the and undertaking given by the petitioner that he shall deposit a sum of Rs.25,000/- to the credit of Executive Officer of the said temple, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner shall make a non refundable deposit of **Rs.25,000/- (Rupees Twenty Five Thousand only)** by way of Demand Draft in favour of *“The Executive Officer, Veerakumaraswamy Temple,*



Incharge-Vikrama Sozheeswarar Temple, Vellakovil, Kangayam TK,

Tiruppur District" and on such deposit, 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 Judicial Magistrate, Kangeyam*** on condition that the petitioner shall execute a bond for a sum of Rs.25,000 /- (Rupees Twenty Five 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 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 every day at 10.30 a.m for a period of four 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.



Crl.OP.No.27818 of 2022

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

15.11.2022

Vv



WEB COPY



Crl.OP.No.27818 of 2022

A.D.JAGADISH CHANDIRA, J.

Vv

Crl.OP.No.27818 of 2022

15.11.2022