



Crl.O.P.No.9873 of 2023

Crl.O.P.No.9873 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC and 21(1) Mines and Minerals (Development & Regulations) Act, 1957, in Crime No.85 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Gurunathan, Tahsildar, Kodavasal is that, the accused had committed theft of Clay Mud from the temple land No.6/2A Pudhukudi Village belonging to Arulmighu Kailasanathar Temple and had manufactured Bricks illegally. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the said land which belongs to Arulmighu Kailasanathar Temple, was initially leased to one Sambasivam and in the year 1966-67, a part of the land was sub leased to



Crl.O.P.No.9873 of 2023

one Marikkannu who in turn, due to his ill health reconveyed it to the petitioner and he has been in continuous possession of the said land. Now a false complaint has been given on behalf of the temple authority to evict the petitioner through police action as if, he had committed theft of Clay Mud from the temple land and had manufactured Bricks illegally.

4. The learned Government Advocate (Crl. Side) appearing for the respondent vehemently opposed for grant of anticipatory bail to the petitioner stating that the petitioner who is the Lessee of the Arulmighu Kailasanathar Temple property, had illegally taken Mud from the temple land and had manufactured Brick kilns.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case along with the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



CrI.O.P.No.9873 of 2023

WEB COPY

7. Accordingly, the petitioner is directed make a payment of **Rs.20,000/- (Rupees Twenty Thousand Only)** by way of Demand Draft/RTGS/NEFT as a non-refundable deposit to the credit of “The Executive Officer, Arulmighu Kailasanatha Swamy Temple, Keelaokai, Kudavasal Talkuk, Thiruvarur” without prejudice to his rights and contentions before the trial Court and on such deposit and production of proof, 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, Tiruvarur**, on condition that the petitioner shall execute a 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;



CrI.O.P.No.9873 of 2023

[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 petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, 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.

[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].



CrI.O.P.No.9873 of 2023

WEB COPY

[f] If the accused thereafter absconds, a fresh
FIR can be registered under Section 229A IPC.

07.06.2023

ksa-2



WEB COPY



CrI.O.P.No.9873 of 2023

A.D.JAGADISH CHANDIRA, J.,

ksa-2

CrI.O.P.No.9873 of 2023

07.06.2023