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Crl.O.P.No.11902 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 406 of IPC in Crime No.16 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the accused had replaced the 400 year old Crown belonging to the temple deity with a new one and had cheated the villagers. On 13.06.2022, the villagers had given a complaint to the Police Station and during enquiry, the accused have agreed to return the original Crown whereas, they have not returned the original Crown. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been given



CrI.O.P.No.11902 of 2023

against them. He would further submitted that A1/Poosari was in-charge of the Temple and the petitioners have nothing to do with the alleged offence and he was in-charge and responsible for the safety of the Crown and the petitioners have been unnecessarily implicated in this case. Hence, he would pray for the grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (CrI.side) appearing for the respondent would submit that 400 year old Crown belonging to the deity was stolen by the accused. He would further submit that it was not recovered so far. He also submitted that enquiry is pending and A1 was appeared for enquiry. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on records.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



Crl.O.P.No.11902 of 2023

WEB COPY

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 days from the date on which the order copy made ready, before **the learned Judicial Magistrate, Palacode**, on condition that the petitioner 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 everyday at 10.30 a.m., for a period of three weeks and thereafter every Saturday at 10.30 a.m., until further orders.



Crl.O.P.No.11902 of 2023

[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 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.

06.06.2023

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Crl.O.P.No.11902 of 2023

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