



Crl.O.P.No.13819 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 Sections 147, 148, 341, 294(b), 324 and 506(ii) IPC, in Crime No.1372 of 2020 on the file of the respondent, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Karthi is that the third petitioner who is the priest of Mariyamman Temple gave temple food (Prasadam) to the people who came to the temple to worship God, but not to the defacto complainant. Therefore, there arose a wordy quarrel and both the parties attacked each other. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) for the respondent police would submit that the third petitioner had given prasadam to the worshippers, but not to the defacto complainant. Whereby, the petitioners had attacked the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record including the FIR.

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.

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, Nannilam on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty



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Five Thousand only), with two sureties 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/trial Court 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 four weeks and thereafter, every Saturday at 10.30 a.m., until further orders.

[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;



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[e] 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, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

[f] if the petitioner herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

27.06.2023

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