



Crl.O.P.No.24086 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 341, 294(b), 323 and 506(ii) of I.P.C, in Crime No.211 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant, his daughter and family members had gone over to the Vayalur Mariamman Temple and the petitioner and his friends had prevented them from entering into the temple.

3. It is stated that A1 had already been granted bail and he has appeared before the respondent Police.

4. Taking into consideration the facts and circumstances, this Court had granted interim bail to the petitioner on the condition that the petitioner herein and A1, in the presence of the respondent Police must escort all the family members of the de-facto complainant and permit them to enter into the temple and permit them to worship into the temple.



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5. Today an affidavit had been filed that the defacto complainant is not willing to enter the temple. This statement is also confirmed by the learned Government Advocate (Criminal side) appearing for the respondent that the defacto complainant is unwilling to enter into the temple.

6. In view of the fact and circumstances, interim bail already granted by this Court is made absolute.

7. Accordingly, 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, Nannilam**, 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:

[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.



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[b] the petitioner shall report before the respondent police everyday at 10.00.a.m., for a period of one week and thereafter, as and when required for interrogation.

[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]**;

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

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