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Crl.O.P.No.1870 of 2024

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 143, 294(b), 341, 452 and 506(ii) of IPC in Crime No.5 of 2024, seek anticipatory bail.

2.It is stated that the 2nd petitioner / Saravanan had been taken into custody and had been released on bail, by executing own bond, by the learned Judicial Magistrate – I, Gobichettipalayam.

3.The entire issue surrounds the dispute over administration of Bathrakali Amman Temple of Maakampalayam Village, Erode District. The petitioners herein claim that they are the administrators and trustees of the said temple. However, the temple is an non-listed temple under the control of HR & CE for the past eight years.

4.It is stated that the defacto complainant had been selected as an administrator by the HR & CE. In this connection, the petitioners had raised objections and they have also filed W.P.No.29392 of 2023 relating



Crl.O.P.No.1870 of 2024

to selection of trustees of the temple and I am informed that the said writ petition is still pending adjudication filed before a learned Single Judge of this Court.

5.The present complaint came to be lodged since the defacto complainant had alleged that two rooms of the temple had been locked and as a matter of fact, both the rooms had been locked with two separate locks and one key is with the petitioners and the other key is with the defacto complainant.

6.There was also an indication that the worshippers were prevented from worshipping in the temple. In view of that particular statement, the 19th petitioner had filed an affidavit now before this Court, in which it had been stated as follows:

“I submit that the devotees of the Bathrakali Ammal Temple are no way prevented from worshipping the deity and the complaint itself pertains only with respect to two rooms in the temple that is under lock.”



CrI.O.P.No.1870 of 2024

7.Taking all the factors into consideration, since the dispute has now arisen over the two rooms, which had been locked, let me also direct the jurisdictional Tashildar, Sathyamangalam, to issue notice to the petitioners and to the defacto complainant and in the presence of the respondent / the Inspector of Police, JRS Puram (Kadambur) Police Station, Erode District, to open the two rooms, take an inventory of whatever items are present inside the two rooms and put back all those items inside the two rooms and put the locks again and handover the keys back to the petitioners and to the defacto complainant respectively. This would prevent any further allegation of theft or taking away of the properties within the rooms levelled against the parties respectively.

8.With the above observations, this Court is inclined to grant anticipatory bail to the 1st, 3rd to 20th petitioners and this petition stands dismissed as against the 2nd petitioner since he had been arrested and granted bail by the learned Judicial Magistrate No.I, Gobichettipalayam.

9.Accordingly, the 1st, 3rd to 20th 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,



Crl.O.P.No.1870 of 2024

before the learned Judicial Magistrate – I, Gobichettipalayam, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 3rd, 5th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 16th, 17th, 19th and 20th petitioners shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for the interrogation and the 1st, 4th, 6th, 7th, 15th and 18th petitioners shall report before the respondent weekly once i.e., on every Monday at 10.30 a.m., for a period of four weeks as and when required for the interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



Crl.O.P.No.1870 of 2024

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

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