



Crl.OP.No.4299 of 2024

Crl.O.P.No.4299 of 2024

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C.V.KARTHIKEYAN,J.

The petitioners/A1, A2, A6, A7 and A8 in Crime No.1577 of 2023 registered by the respondent police for the offences punishable under Sections 294(b), 427, 506(ii) of IPC, subsequently, altered into Sections 147, 148, 294(b), 506(ii) of IPC, 1860 and Section 3(1) of TamilNadu Property (Prevention of Damage and Loss Act,1992 with respect to an occurrence which took place on 16.12.2023 seek anticipatory bail.

2. The other accused had been granted bail after being arrested.

3. It is the case of the prosecution that the petitioners and all the other accused had joined together in demolishing the compound wall of Mariamman Kovil which was questioned and later FIR has been registered.

4. Let me not enter into a detailed discussion of the facts since with respect to surveying of the land, WP.No.17842/2021 has been filed



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and orders had also been passed directing survey of the land and removing encroachment. The petitioners had filed an affidavit wherein they are stated as follows:

" I further humbly submits that behalf of other petitioners and myself concerned to prove our bonafide, we are ready and willing to deposit a sum of Rs.10,000/- (Ten Thousand only) without any prejudice to our rights and contentions before trial Court. We are undertakes, promise and assure to deposit the money."

5. Taking all the factors into consideration granting, permission to the temple authorities to rebuild the compound wall, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. 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 ***Judicial Magistrate-II, Kancheepuram*** on condition that each of the



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petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten 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 may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall jointly deposit a sum of Rs.10,000/- to the credit of Cr.No.1577 of 2023 and on such deposit, the learned Judicial Magistrate-II, Kancheepuram may retain it in fixed deposit and pass final orders at the conclusion of trial if applications is filed for payment of the amount after examining the credentials, necessary and appropriate orders may be passed by the learned Judicial Magistrate-II, Kancheepuram.

[c] the first, fourth and fifth petitioners shall report before the respondent police as and when required for interrogation, the second petitioner shall report before the respondent police on every Saturday at 10.30a.m., for a period of two weeks and the third petitioner shall report the respondent police everyday at 10.30 a.m., for a period of two weeks.



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

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

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

04.03.2024

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