



Crl.OP.Nos.16992 and 16994 of 2024

T.V.THAMILSELVI, J.

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The petitioners, who apprehend arrest for the alleged offences punishable under Sections 147, 148, 447, 294 (b), 323 and 506 (2) of IPC and Section 3 (1) of Prevention of Damage to Public Property Act, 1984 in Crime No.249 of 2024, on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that the petitioners have forcefully trespassed into possession and enjoyment of the temple property with an intention to grab the property and damaged the well of the said temple. Hence the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they had not committed any such offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners have forcefully trespassed into possession and enjoyment of the temple property with an intention to grab the property and damaged the well of the said temple. Hence he vehemently



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opposed to grant anticipatory bail to the petitioners.

5. Considering the submissions made by both side counsel, that there is no previous case against the petitioners and the investigation is also completed, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 (15) days from the date of receipt of a copy of this order before the ***learned District Munsif cum Judicial Magistrate, Karimangalam*** on condition that the petitioners shall execute separate bonds 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 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 Court concerned 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 on every Saturdays at 10.30 AM for a period of eight weeks;**



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[c] the petitioners shall deposit a sum of Rs.7,000/- (Rupees Seven Thousand Only) to the credit of Crime No.249 of 2024 within a period of two weeks from the date of receipt of copy of this order and on such deposit, the de - facto complainant is permitted to withdraw the same, on filing undertaking affidavit and proper identification and acknowledgment;

[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 are 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]*; and;

[g] if the accused persons thereafter abscond, a fresh FIR can be registered under Section 229-A IPC;

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