

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

TUESDAY, THE 6<sup>TH</sup> DAY OF DECEMBER 2022 / 15TH AGRAHAYANA, 1944

BAIL APPL. NO. 9604 OF 2022

Crime No.869 of 2022 of Manjeshwar Police Station,

**PETITIONER/ACCUSED:**

DEEPAK.S  
AGED 33 YEARS  
SON OF R.SANKER,  
CHINNAPPALLA STREET, SOUTH FORT, THIRUVANATHAPURAM.,  
PIN - 695023  
BY ADVS.  
A.ARUNKUMAR  
HEERAKRISHNA T.H.  
SACHIN GEORGE ARAMBAN

**RESPONDENT/COMPLAINANT/STATE:**

STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, PIN - 682031.

**OTHER PRESENT:**

PP - M.C.ASHI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
06.12.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VIJU ABRAHAM, J

BA No. 9604 of 2022

Dated this the 6<sup>th</sup> day of December, 2022

O R D E R

This is an application for regular bail.

2. The Petitioner is arrayed as an accused in Crime No.869 of 2022 of Manjeshwar Police Station, alleging commission of offence punishable under Section 381 of I.P.C.

3. The prosecution allegation is that on 29-10-2022 at 19.30 hours, the accused being the priest of Sree Mangesh Santha Durga Temple at Hosapettu, committed theft of 5 ½ sovereigns of gold Mangalsoothra worth Rs.2,05,000/- from the idols of goddesses Shantha Durga and Mahalakshmi and thereby the accused has committed the aforesaid offences.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in the

aforesaid crime and nothing was recovered from the possession of the petitioner. It is only due to some difference of opinion with the temple administration, the petitioner was arrayed as an accused in the present case and his mother is a heart patient and there is no one to look after her. The learned counsel further submitted that he was arrested on 05.11.2022 and is in custody since then and recovery is already effected and that substantial portion of the investigation is over and further detention of the petitioner is not required for the purpose of the investigation and further that he has no other criminal antecedents.

6. The learned Public Prosecutor opposed the application for bail mainly contending that the petitioner being the priest of the temple, committed theft of 5 and half sovereigns of gold and only a portion of the gold was recovered from his possession and further submitted that he has no other criminal antecedents.

7. Considering the facts and circumstances of the case and the nature of the allegations and considering the fact that the petitioner is in custody from 05.11.2022 onwards and that he has no other criminal antecedents, I am inclined to grant bail to the petitioner but taking into consideration the seriousness of the allegation the same shall be only on stringent conditions.

In the result, the bail application is allowed. It is directed that the petitioner shall be released on bail, subject to the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like-sum to the satisfaction of the jurisdictional court;
- (ii) Petitioner shall appear before the investigating officer in Crime No.869 of 2022 of Manjeshwar Police Station, on every Saturday at 11 am, until filing of

final report;

(iii) The petitioner shall not attempt to interfere with the investigation or to influence or intimidate the *defacto* complainant or any witness in Crime No.869 of 2022 of Manjeshwar Police Station,

(iv) The petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the investigating officer in Crime No.869 of 2022 of Manjeshwar Police Station, may file an application before the jurisdictional court, for cancellation of bail.

sd/-

**VIJU ABRAHAM, JUDGE**

R.AV