



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/03/2023

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4196 of 2023

Dharvees Mydeen ... Petitioner/Accused (Rank Not Known)

Vs

State Rep.by
The Inspector of Police,
City Crime Branch, (ALGSC),
Madurai City.
Cr.No.46/2022.

... Respondent/Complainant

P.Sindhu ... Intervene Petitioner/Defacto Complainant
in CRL MP(MD).3999/2023 in CRL OP(MD).4196/2023

For Petitioner : Mr.Anand R, Advocate.
For Intervenor : Mr.C.Deepak, Advocate
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

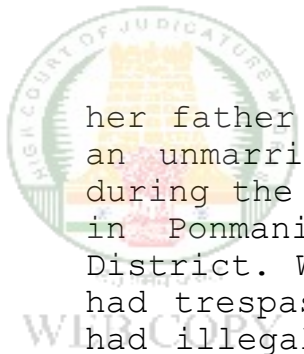
PRAYER :-

For Anticipatory Bail in Crime No.46/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 447, 465, 468 and 471 of IPC in Crime No.46 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Sindhu, is that she has studied B.Sc (Geography) and that she is preparing for her higher studies. Her father Pugalendhi is doing gas stove repairing business. The further allegation is that her grandfather is one Perumal Nadar and he died on 31.01.1994 and apart from her father, he has got three legal heirs. Her elder paternal uncle, Anbalagan, died on 06.02.2022 and he does not have any legal heir and the second paternal uncle, Rajendran, is living with his



her father and the last legal heir is the junior paternal is an unmarried and living along with her family. Her grandfather during the year 1974 had purchased a property measuring 2800 sq.ft., in Ponmani Village in R.S.No.6/1A in Ponmani Village, Madurai District. While so, she got an information that one Dharvees Mydeen had trespassed into the property and based on fabricated documents had illegally obtained electricity service connection and had been running Lucky Translink and Lucky Transport and when the de-facto complainant had asked him to vacate the place, he has threatened her with dire consequences. Hence, the complaint.

3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that pending anticipatory bail the matter has been settled between the parties and the petitioner has also vacated the premises owned by the defacto complainant and he has also handed over the vacant possession of the subject property to the defacto complainant. The learned counsel for the defacto complainant also acknowledged the same and also ready to withdraw the complaint. Further the parties are at liberty to file a quash petition for compromise. Taking into consideration the above facts and circumstances of the case this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5. 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 Special Court for Anti Land Grabbing Cases, Madurai 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.

[b] the petitioner shall report before the respondent police daily at 10.30 am., for a period of two weeks 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 were not imposed and the petitioner released on bail by the learned



Magistrate/Trial Court himself as laid down by the Hon'ble 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.

sd/-

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1 THE JUDGE, SPECIAL COURT FOR ANTI LAND GRABBING CASES, MADURAI.
 - 2 THE INSPECTOR OF POLICE, CITY CRIME BRANCH (ALGSC),
MADURAI CITY, MADURAI DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.C.DEEPAK, Advocate (SR-4696[I] dated 23/03/2023)

ORDER

IN

CRL OP(MD) No.4196 of 2023

Date :23/03/2023

RS/MMS/SAR-3(27.03.2023) 3P 5C