



CRL.O.P.(MD).No.17629 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date: 04.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM
CRL.O.P.(MD).No.17629 of 2023

1.Mohamed Mydeen
2.Ragavendran

... Petitioner/ A4 & A5

Vs

State Rep.by
The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
(Crime No.276 of 2023)

... Respondent/Complainant

For Petitioners : Mr.M.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates
For Respondent : Ms.M.Aasha, Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.276 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioners/ A4 & A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 120B, 419, 420, 468, 471, 447, 427 and 506(i) of IPC in Crime No.276 of 2023, seek anticipatory bail.

2.The case of the prosecution is that there is a civil dispute pending between the de-facto complainant and one Shankar and K.S.Chandrasekar. In the meanwhile, the



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accused persons by creating forged documents, claimed the property of the de-facto complainant and on the alleged date of occurrence, the accused persons have trespassed into the property of the de-facto complainant and damaged the fence and criminally intimidated the de-facto complainant. Hence, the case.

3.The learned Senior Counsel appearing for the petitioners would submit that as against these petitioners, for the same set of allegations, a case has been registered in Cr.No.250 of 2023 on the file of the respondent Police on 22.08.2023 for the offences punishable under Sections 120B, 419, 420, 468, 471 and 196 of IPC and anticipatory bail was granted to the petitioners by this Court on 26.09.2023 in Crl.O.P.(MD) No.15652 of 2023. He would also submit that again, the present complaint has been given by the agreement holder with the same allegations. He would also submit that the petitioners, being practicing Advocates, filed a case against the defendants in the suit and they have not created any forged document. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioners and other accused persons, by creating forged documents, trespassed into the property of the de-facto complainant and criminally intimidated them. She would also submit that as against A4, one previous case is pending. She would strongly oppose to grant anticipatory bail to the



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petitioners.

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5.Considering the facts and circumstances of the case and also taking into consideration the submissions made by the learned Senior Counsel appearing for the petitioners and the learned Government Advocate (crl.side) appearing for the respondent police, 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 days from the date on which the order copy made ready, before the learned (*)Judicial Magistrate No.III, Dindigul, on condition that the petitioners shall execute a 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 petitioners shall appear before the Trial Court on issuance of summons.

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



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investigation or trial.

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[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.

sd/-
04/10/2023

(*)For Being mentioned as per Order of the Court dt.02/11/2023 in CrI.OP(MD).17629 of 2023 by VSGJ.

Further time limit is extended by one week.

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/10/2023

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

cmr

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 04/10/2023 ALREADY
DESPATCHED

1 THE JUDICIAL MAGISTRATE NO.II, KODAIKANAL.



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2 THE JUDICIAL MAGISTRATE NO.III, DINDIGUL,

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3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

4 THE INSPECTOR OF POLICE, KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No.49769[F] DT.03/11/2023

ORDER
IN

CRL OP(MD) No.17629 of 2023

Date :04/10/2023

RS/JGB/SAR-(16.10.2023) 5P 6C

SKN

SA/VRS/SAR. /08.11.2023 5P 7C

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