



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22350 of 2022

WEB COPY

Dharvees Mydeen

...Petitioner/
Accused(Rank not known)

-vs-

1.The State represented by
The Inspector of Police,
City Crime Branch (ALGSC),
Madurai City.
(in Cr.No.46 of 2022)

...Respondent/Complainant

2 P.Sindhu

...Intervene Petitioner/
Defacto Complainant
in CRL OP(MD)No.22350 of 2022

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.46 of 2022.

For Petitioner : Mr.R.Anand, Advocate

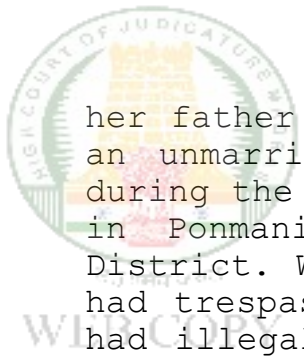
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

For Intervenor : Mr.M.Palani, Advocate

O R D E R

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.The learned Counsel for the petitioner would submit that the petitioner is a Law Graduate and that one Pugalendhi, the father of the de-facto complainant, had entered into an oral agreement with the petitioner for running an office in the area and he had taken the property by paying ground rent and he had also put up a construction in the said land. He would further submit that the petitioner has been running his Advocate office and his family business of transport office in the area and thereby, he would submit that a case of civil dispute has been projected as a case of fabrication of documents and land grabbing. He would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner is a ranked land grabber, who has trespassed into the property and has created fabricated and forged documents, thereby, encroached the land belonging to the de-facto complainant. He would submit that the investigation is pending and the petitioner, after registration of FIR, by fabrication of documents, had filed a suit to escape from the clutches of criminal law and thereby, he would seek for dismissal of this petition.

5.The learned Counsel for the intervenor would submit that the de-facto complainant's grandfather, Perumal Nadar had purchased the property in the year 1974 by a valid sale deed bearing No.3990/1974 and thereafter, the grandfather was in continuous possession of the same and the de-facto complainant's family were settled at Tuticorin and the accused, finding that the place was remaining empty, had created a forged document, as if the deceased grandfather, who had died in the year 1994, had entered into an agreement with the accused during the year 2018 and based on that, the accused had also obtained electricity service connection. He would further submit that thereafter, the petitioner has created fabricated receipts, as if the de-facto complainant's father had received rent from the accused. He would submit that the petitioner, who claims to be the Advocate, misusing his official and professional position, has grabbed the land belonging to the poor persons and further by fabricated documents had filed a civil suit to escape from the clutches of law to delay the progress thereby, he would seek for dismissal of this petition.



6.Heard the learned Counsel. The petitioner is a practicing Advocate. The allegation against him is that based on fabricated documents, he had encroached upon the property and attempted to get it.

7.Taking into consideration facts and circumstances and also the gravity of allegations made against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this petition is dismissed.

sd/-
24/01/2023

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/02/2023

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

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TO

1.THE INSPECTOR OF POLICE,
CITY CRIME BRANCH (ALGSC),
MADURAI CITY.

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

+1 CC to M/s.R.ANAND, Advocate (SR-1263[I] dated 27/01/2023)

ORDER
IN
CRL OP(MD) No.22350 of 2022
Date :24/01/2023

RK/MMS/SAR-2 (02/02/2023) 3P/4C