

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2026

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THE HONOURABLE MR. JUSTICE K. RAJASEKAR

Crl.M.P.(MD).Nos.14533, 14534, 14535, 14536 and 14537 of 2026
in
Crl.O.P.(MD).Nos.22774 of 2022, 7895, 8929, 7880 and 8643 of 2020

V.S.Mahalingam

... Petitioner in all Crl.M.Ps.

Vs.

1.The State of Tamil Nadu Rep. by,
The Sub Inspector of Police,
CCB (ALGSC) Police Station,
Madurai City.
(Crime No.41 of 2020)

... 1st Respondent in all Crl.M.Ps.

R.Ramasamy

... 2nd Respondent
in Crl.M.P.(MD).No.14533 of 2026.

V.Muruganantham

... 2nd Respondent
in Crl.M.P.(MD).No.14534 of 2026

S.Rajendran

... 2nd Respondent
in Crl.M.P.(MD).No.14535 of 2026

M.Sundaramahalingam

...2nd Respondent
in Crl.M.P.(MD).No.14536 of 2026

S.Manikandan

...2nd Respondent
in Crl.M.P.(MD).No.14537 of 2026

COMMON PRAYER : Criminal Miscellaneous Petitions have been filed
under Section 483(3) of Bharatiya Nagarik Suraksha Sanhita, 2023, to cancel



the anticipatory bail granted to the second respondent by this Court in Crl.O.P.
(MD).No.22774 of 2022, dated 02.01.2023, Crl.O.P.(MD).No.7895 of 2020,
dated 05.08.2020, Crl.O.P.(MD).No.8929 of 2020, dated 29.10.2020, Crl.O.P.
(MD).No.7880 of 2020, dated 05.08.2020 and Crl.O.P.(MD).No.8643 of 2020
dated 29.10.2020.

For Petitioner : Mr.S.Mahendra Pathy
For R1 : Mr.N.Balasubramanian
Counsel for State of TN (Crl. Side)
(in all Crl.M.Ps.)

Mr.R.Gandhi,
Senior Counsel
for M/S.Gandhi Associates
For R2 in Crl.M.P.(MD).Nos.14534 and 14536 of 2026

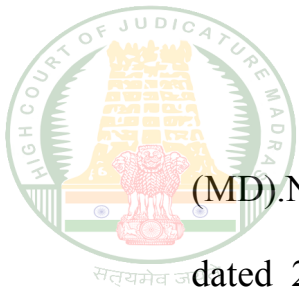
Mr.A.Thiruvadi Kumar
for Mr.A.Laxman Prakash
For R2 in Crl.M.P.(MD).No.14535 of 2026

Mr.S.Kishore Kumar
For R2 in Crl.M.P.(MD).No.14537 of 2026

No appearance (R2)
in Crl.M.P.(MD).No.14533 of 2026

COMMON ORDER

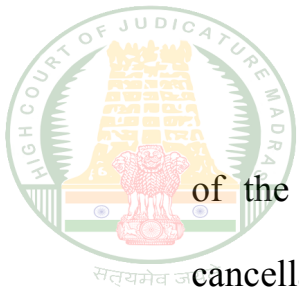
These Criminal Original Petitions have been filed by the
petitioner/defacto complainant seeking for cancellation of anticipatory bail
granted to the second respondent herein/anticipatory bail petitioners in Crl.O.P.
(MD).No.22774 of 2022, dated 02.01.2023, Crl.O.P.(MD).No.7895 of 2020,
dated 05.08.2020, Crl.O.P.(MD).No.8929 of 2020, dated 29.10.2020, Crl.O.P.



(MD).No.7880 of 2020, dated 05.08.2020 and CrI.O.P.(MD).No.8643 of 2020

dated 29.10.2020 on the ground that the second respondent herein are not cooperating with the investigation. It is further stated that this Court has directed the investigating agency to conduct further investigation in the matter and file a report. Hence, in the interest of a fair and proper investigation, the anticipatory bail granted to the second respondent is liable to be cancelled.

2.The learned counsel for the petitioner/defacto complainant in all cases, submitted that the petitioner herein has originally purchased the property involved in this case from A1, namely, Rajendran in the month of March 2013. After the sale of the property, A1, in collusion with the other accused, executed and registered a sale deed in favour of A2 by impersonating the petitioner/defacto complainant through A7. The learned counsel further submitted that the investigation has not been conducted properly. Though the Sub-Registrar of the concerned Sub-Registrar Office was originally arrayed as an accused, his name was subsequently deleted from the final report. Therefore, the petitioner has also filed a separate petition seeking transfer of the investigation. It was further submitted that, in the meantime, the quash petition was heard by this Court, and the first respondent police was directed to conduct further investigation in the matter. However, even as on date, A7, the person who impersonated the petitioner/defacto complainant at the time of registration



of the sale deed, has not yet been identified. Hence, it is a fit case for cancellation of the anticipatory bail granted to the second respondent. He further submitted that the other accused are actively hampering the investigation by withholding the identity of A7. Therefore, it is also a fit case to cancel the anticipatory bail granted to them. Accordingly, he prayed to allow these criminal original petitions.

3.The learned Counsel for State of TN (CrI. Side) appearing for the first respondent Police in all cases, reiterated the submission made by the learned counsel for the petitioner and submitted that since the accused are not cooperating with the investigation, the same is still pending. He further submitted that co-operation of the accused is necessary for identifying names of co-accused. Hence, he prayed for cancellation of the anticipatory bail granted to the second respondent.

4.The learned counsel appearing for the second respondent/accused in all these cases submitted that, after obtaining anticipatory bail, the second respondent in all cases have duly complied with the conditions imposed by this Court and have not indulged in any activities that would hamper the investigation. It was further submitted that the present petitions have been filed



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merely on suspicion, without any material to establish that the second respondent/accused had violated the conditions of anticipatory bail. He further submitted that the second respondent/accused cannot be punished by cancellation of their anticipatory bail for any lapse or omission on the part of the investigating officer. The second respondent/accused in all cases are ready and willing to cooperate with the investigation. Hence, he prayed for dismissal of these Criminal Original Petitions.

5.I have also carefully considered the submissions made on either sides and produced materials available on records.

6.The fact remains that the further investigation in this case is now going on. It is also stated by the petitioner's side that A7, who is the vendor of the fabricated document, is yet to be identified. Though it is a serious lapse on the part of the investigating officer that the impersonator has not been identified even after the final report has been filed, the bail already granted to the second respondent/accused in all cases cannot be cancelled merely for the purpose of investigation, unless the second respondent/accused in all cases are involved in tampering with the evidence or have committed any act hampering the investigation. Admittedly, they have complied with the conditions and are not involved in tampering with the evidence. However, the grievance is that A1 in



this case, who arranged A7, has not disclosed the name of A7. As per the criminal jurisprudence in our country, an accused cannot be expected to give evidence against himself, except under certain provisions relating to the recording of statements and statements leading to the recovery of a new fact. Further, it is well settled that an accused cannot be compelled to furnish evidence for the purpose of prosecution. During the investigation, it is the duty of the investigating officer to find out the truth and collect the evidence. If the investigation reveals the commission of any cognizable offence, it is for the investigating officer to prosecute the case.

7. In the present case, the reason for seeking cancellation of anticipatory bail is that A1 and other accused are not cooperating with the investigation. However, on a careful perusal of the order passed by this Court, there is no direction that the accused shall disclose the name or particulars of the co-accused / alleged impersonator. Further, there are no serious allegations of violation of any bail condition. There are also no grounds or reasons established before this Court to show that the second respondent/accused in all cases have indulged in hampering the investigation. It is also submitted by the learned counsel for the State that the further investigation is still going on and that the investigating agency requires some more evidence and the cooperation of the accused. In such a case, the investigating officer can very well summon the



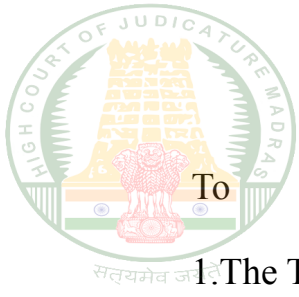
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accused for the purpose of investigation and record their statements, if necessary. However, without resorting to such a course, they are now seeking the shortcut method of cancellation of bail. This Court after taking into consideration of the facts and circumstances granted anticipatory bail to the second respondent/accused in all cases and thereby, there is no ground to cancel the anticipatory bail granted to the second respondent/accused. Hence, these petitions have no merits and deserve to be dismissed.

8. Accordingly, these Criminal Miscellaneous Petitions stand dismissed. However, considering the fact that A7 has not yet been identified, **the second respondent/A1/S.Rajendran in CrI.O.P.(MD).No.14535 of 2026**, is directed to appear before the first respondent police from **28.07.2026 to 03.08.2026, except on Sunday (i.e., 02.08.2026)**, for the purpose of investigation and the statement if any required may also be permitted to be recorded with regard to accused / impersonator, thereafter, as and when required for interrogation before the first respondent police.

21.07.2026**(1/2)**

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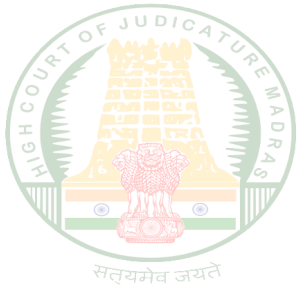


CrI.M.P.(MD).Nos.14533 to 14537



To
1. The Sub Inspector of Police,
CCB (ALGSC) Police Station,
Madurai City.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.M.P.(MD).Nos.14533 to 14537



K.RAJASEKAR, J.

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