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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24. 11.2026

CORAM
THE HONOURABLE MR. JUSTICE N. RAMESH

Crl.O.P. No. 21725 of 2026 and **Crl.M.P. No. 16130 of 2026**

1. Nihara Jamal,
W/o. Mr. Jamal

2. Bairose Banu Jamal,
D/o. Mr. Jamal ... Petitioners / Accused Nos. 2 and

Vs.

The State
represented by the Inspector of Police,
Investigation Officer, CCB-II, LFIW-I, Gamma-3,
Central Crime Branch, Vepery,
Chennai. (Crime No. 181 of 2025) ... Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest by the Respondent Police in CR.No.181 of 2025.

For Petitioners : M/s. D. Saikumaran

For Respondent No. 1 : Mr.R.Rajasekaran
Government Advocate (Criminal Side)

For Respondent No. 2 : Mr A. Thiagarajan, Senior Counsel
For M/s. S. Ramesh Kumar

ORDER

1. This is a petition for anticipatory bail under Section 482 of the BNSS. The petitioners, mother and daughter, are the second and third accused in Crime No.181 of 2025 on the file of the Inspector of Police, CCB-II, LFIW-I, Gamma-3, Central Crime Branch, Vepery, Chennai, registered on 04.09.2025 for offences

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under Sections 419, 420, 465, 467, 468, 471 and 447 read with Sections 34 and 109 of the IPC.

Crl.M.P.No.16130 of 2026 is filed by the de facto complainant, the power agent of the widow and daughters of the late Meera Mydeen, who are victims within the meaning of Section 2(1)(y) of the BNSS. Crl.M.P.No.16130 of 2026 is ordered. He is permitted to intervene, and his counsel was heard, as held in **Jagjeet Singh v. Ashish Mishra @ Monu, (2022) 9 SCC 321**.

2. The case of the prosecution, briefly stated, is this. Meera Mydeen bought Plot No.42, VGP Golden Beach Part III, Injambakkam Village (5 grounds and 2,388 sq.ft.) under Document No.2660 of 1982 dated 30.06.1982. He died in Malaysia on 07.05.2009. A general power of attorney dated 05.12.2018, made in his name in favour of the first accused, Hasan Mohamed, was adjudicated at the Sub-Registrar's Office, Neelankarai, as Document No.98 of 2018. On its strength the first accused sold the plot to the first petitioner under Document No.3180 of 2019 dated 21.12.2018. On 29.04.2019 the first petitioner settled the plot on the second petitioner by Document No.3630 of 2019, and on the same day the second petitioner appointed the fourth accused, Saravanan, as her power agent by Document No.3631 of 2019. The case was registered on the direction of the learned Metropolitan Magistrate for CCB and CBCID cases, Egmore, dated 30.06.2025 in Crl.M.P.No.6355 of 2025.

3. The second petitioner was served with a notice under Section 35(3) of the BNSS, Reference No.29 of 2026, to appear on 05.08.2026. This petition was filed on 31.07.2026, and interim protection was granted on 07.08.2026. On 16.04.2021 the District Registrar (South Chennai) cancelled Document Nos.98 of 2018, 3180 of 2019, 3630 of 2019 and 3631 of 2019 as fraudulently registered. The appeal failed on 11.11.2022, and the second petitioner's W.P.No.34596 of 2022 was dismissed on 03.08.2023, leaving her to the civil court. The patta in her

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name was cancelled on 31.05.2023, and her appeal failed on 23.08.2025. On 22.12.2021 the Directorate of Vigilance and Anti-Corruption registered Cr.No.22 of 2021 on the same transactions against the then Sub-Registrar, Neelankarai, and four private persons, both petitioners among them. The second petitioner's suit for bare injunction, O.S.No.138 of 2021, now O.S.No.684 of 2024 at Sholinganallur, is said by the petitioners to be pending and by the intervener to have been dismissed on 09.04.2025. Neither side has placed the record before me.

4. Learned counsel for the petitioners made these submissions.

[a] The first petitioner is a bona fide purchaser under Document No.3180 of 2019, and Meera Mydeen executed the power of attorney in Malaysia.

[b] The second petitioner holds under the settlement and, through her power agent, is in possession, with a compound wall, a shed, an electricity connection, tax receipts and mutation in her name.

[c] The intervener's documents are fabricated: the heirship certificate dated 20.08.2009 could not have been issued at Ramanathapuram for a man who died in Malaysia, and W.A.(MD)No.178 of 2025 against it is pending; his copy of Document No.2660 of 1982 is under-stamped and its typeface betrays it.

[d] The dispute is civil, and the case, procured through political influence, is a device to get around the civil court.

[e] The intervener has set the criminal law in motion repeatedly on one cause, by Cr.No.22 of 2021, Cr.No.355 of 2023 of the Neelankarai Police Station and this case, keeping from the learned Magistrate the order dated 28.07.2022 in Crl.O.P.No.4538 of 2022; the closure report dated 30.11.2023 went against him.

[f] The petitioners have not absconded and will cooperate, and the second petitioner is pregnant.

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5. The learned Government Advocate (Criminal Side) opposed the petition [grounds as urged at the hearing]. Learned counsel for the intervener submitted that Meera Mydeen, dead since 2009, could not have executed a power of attorney in 2018; that the notary named in it has disowned his signature and seal; that every document in the chain has been cancelled; and that the petitioners have never appeared before any authority and, if protected, will not appear.

6. I have considered the rival submissions and perused the material placed before me.

7. A bail court does not ordinarily go into title. The petitioners have made it the foundation of this petition, for their case is that they own the land and that the accusation is a land-grabber's answer to their ownership. What that title is worth turns on registered documents and has to be seen.

8. Both sides trace title to Meera Mydeen. The first petitioner's own sale deed recites his purchase under Document No.2660 of 1982. Which copy of that document tallies with the registration record is disputed: the closure report dated 30.11.2023 says the intervener's copy does not, while the order of the District Revenue Officer dated 23.08.2025 records a comparison by the Deputy Inspector General of Registration under which the intervener's copy does. I need not resolve that. On either version Meera Mydeen was the owner, and the only question is who could deal with his land in December 2018.

9. The petition answers that question. In paragraph 9 the petitioners say that they *"were shocked to learn that Meera Mydeen, the original owner, had died way back in the year 2009"*. The Malaysian death certificate records his death at Hospital Pulau Pinang on 07.05.2009,, and the order of this Court dated 19.03.2024 in W.P.(MD)No.28614 of 2022, filed by the second petitioner herself, proceeds on that footing. A man who died in May 2009 could not sign a power of

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attorney in December 2018. The power gives its maker's Malaysian identity card number as 611009-10-2580, and the death certificate gives it as 500611-71-5031. The notary named in the power, Tan Seok Kett of Kuala Lumpur, wrote on 10.03.2021 that his signature and seal on it are forged. Prima facie, Document No.98 of 2018 is not the document of Meera Mydeen.

10. An agency, even a genuine one, ends on the death of the principal under Section 201 of the Indian Contract Act, 1872, and under Section 7 of the Transfer of Property Act, 1882, only a person entitled to the property or authorised to dispose of it can transfer it. The first accused was neither, and Document No.3180 of 2019 passed nothing to the first petitioner. Having taken nothing, she had nothing to settle on the second petitioner by Document No.3630 of 2019, and the second petitioner had nothing to entrust to the fourth accused by Document No.3631 of 2019. A document void from the start need not even be set aside, being *"non-est in the eye of law"*, as held in **Prem Singh v. Birbal, (2006) 5 SCC 353**. Registration and mutation do not make a title where none passed. On his death the land of Meera Mydeen went to his heirs, and who they are is a question between them and anyone who disputes their heirship. The petitioners do not claim as heirs, and no answer to that question can carry the land to a purchaser from a dead man's supposed agent. I hold that, on the documents before me, *prime facie* no title passed to either petitioner under Document Nos.98 of 2018, 3180 of 2019 and 3630 of 2019.

11. The plea that the dispute is civil does not survive this. The second petitioner's suit is for bare injunction. An accusation that documents of title were made in the name of a dead man and used to take his land does not become civil because a civil court is also dealing with possession, as held in **Kathyayini v. Sidharth P.S. Reddy, 2025 INSC 818** and **Saurabh Agrawal v. State of Uttar**

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Pradesh, 2026 INSC 548. Whether this case can stand with Cr.No.22 of 2021 is for a petition to quash, if one is brought.

12. Anticipatory bail turns on the nature and gravity of the accusation, the role attributed to the applicant and the facts of the case. The absence of a shown need for custody is not by itself a ground to grant it when the prima facie case and the gravity of the accusation point the other way, as held in **Sumitha Pradeep v. Arun Kumar C.K., Criminal Appeal No.1834 of 2022, decided on 21.10.2022**. The offence under Section 467 of the IPC is punishable with imprisonment for life. The two petitioners do not stand on the same footing.

13. The first petitioner is the first and only purchaser under the power of attorney. Her deed is dated 21.12.2018, sixteen days after the power is said to have been signed in Malaysia. It recites a consideration of Rs.4,33,80,000/- and that it was paid, but not when, by what instrument or into whose hands. These are facts within her knowledge, and they are the foundation of her plea of bona fide purchase. The case is within **Pratibha Manchanda v. State of Haryana, 2023 INSC 612**, where anticipatory bail to the beneficiary of a fabricated power of attorney over the land of absent owners was set aside. It is unlike Crl.O.P.No.25369 of 2026, dated 02.11.2026, where the petitioner was a later purchaser who entered the chain years after the documents at its root. The custodial purpose can be stated in one sentence. The investigation has to ascertain from the first petitioner whether and how the consideration recited in Document No.3180 of 2019 passed, from whose funds and into whose hands, and how she came to deal with the first accused within days of the power of attorney being made.

14. The second petitioner took the plot as a gift from her mother and paid nothing for it. She is not shown to have had any part in the making of the power of attorney or in the sale of December 2018. The originals of the documents of title

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can be secured by a direction to produce them, and specimen signatures, if required, by an order of the learned Magistrate under Section 349 of the BNSS. The police chose to call her by the notice already referred to. The fourth accused, who has dealt with the land for her as her power agent since 2019, was granted anticipatory bail by this Court on 16.02.2026 in Crl.O.P.No.3672 of 2026. The medical records filed on 07.08.2026 show that she is in advanced pregnancy, the expected date of delivery being 12.12.2026. Nothing placed before me points to anything to be recovered from her or through her which conditions cannot secure. Her claim to the land being prima facie without foundation, the conditions below ensure that it is not used against the heirs while the investigation is pending.

15. In the result, this Criminal Original Petition is dismissed as regards the first petitioner. The interim protection granted to the first petitioner on 07.08.2026 and extended from time to time stands vacated.

16. Criminal Original Petition is allowed as regards the second petitioner alone, and she is ordered to be released on bail in the event of arrest or on her appearance, within a period of four weeks from the date on which the order copy is made ready, before the **learned Special Court of CCB & CBCID Cases at Egmore, Chennai,** on condition that **the 2nd petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only),** with **two sureties each,** for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the 2nd petitioner fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) **The 2nd petitioner shall report before the respondent as and when required for interrogation;**

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(c) At her first appearance under condition [b], she shall produce before the investigating officer the originals of Document Nos.98 of 2018, 3180 of 2019, 3630 of 2019 and 3631 of 2019, the copy of Document No.2660 of 1982 on which she relies, and every other document on which she claims title to Plot No.42. She shall also cause the documents held by her power agent, the fourth accused, to be produced. The investigating officer shall give her a receipt listing the documents received, and may retain them for the investigation in accordance with law.

(d) Until the final report is filed before the jurisdictional court, she shall not, by herself or through her power agent, sell, gift, mortgage, lease or otherwise transfer Plot No.42 or any part of it, execute any agreement for sale or power of attorney in respect of it, or create any right or interest in it in favour of any person. This condition does not prevent her from prosecuting or defending any proceeding before a civil court or other authority.

[e] If she breaches condition [b], [c] or [d], it is open to the respondent to apply to this Court for cancellation of the bail granted to her.

(f) The sureties shall affix their photographs and left thumb impression in the application for surety ship (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019]'. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(g) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as

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laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560];***

(h) If the 2nd petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

17. It is made clear that the observations made in this order are confined to the disposal of this petition, are prima facie in nature, and shall not influence the respondent in the further investigation or the trial court at any stage of the trial. The view on the documents of title in paragraphs 8 to 10 is recorded because the petitioners founded their petition on their title. Title remains for the civil court, and the petitioners shall not hold out this order as recognising any right in them over Plot No.42.

18. In view of the order, the interim prayer does not survive and is closed.

24-11-2026

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To

1.The Special Court of CCB & CBCID Cases at Egmore, Chennai.

2.The State
represented by the Inspector of Police,
Investigation Officer, CCB-II, LFIW-I, Gamma-3,
Central Crime Branch, Vepery,
Chennai.

3.The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

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