



CRL OP(MD). No.4384 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 15/04/2026

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THE HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No.4384 of 2026

1. K P A Jaffer Ali
2. Abdul Mohammed
3. Mohammed Batcha
4. Mohamed Farooq
5. Shiekh Mohammed
6. Mohammed Zaffrullah

... Petitioners/ Accused No.1 to 6
Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
District Crime Branch,
Thanjavur District
Cr.No.32/2025.

... 1st Respondent/Complainant

PRAYER :-

For Anticipatory Bail in Crime No.32/2025 on the file of the
respondent Police.

For Petitioners : S.Deenadhayalan,
Advocate.



CRL OP(MD), No.4384 of 2026

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For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

For Intervener : D.Rameskumar

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent for the offences punishable under Sections 316(2), 318(4), 336(2), 340(2) and 61(2) of BNS, in Crime No.32 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners are the office bearers of the Periya Pallivasal Pandaravadai and also managing the Crescent Matriculation Higher Secondary School, situated at Pandaravadai, Papanasam Taluk, Thanjavur District. As per decree passed in O.S.No.4 of 1936, the administration of Periya Pallivasal ought to have produced the account details once in every three months before the Sub Court, Kumbakonam. However, they have not filed account details such as income and expenditure of the above Pallivasal and School before the Sub Court, Kumbakonam from the year 1986 onwards



CRL OP(MD), No.4384 of 2026

and hey deliberately suppressed 30% of account details of the Pallivasal and School and given false accounts and proper audit was not done. Hence, this case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they were falsely implicated in this case and they are no way connected in the above said incident. He would further submit that on 18.12.2025, the first respondent police came to the petitioner's Pallivasal office without any information and took away all the accounts book and audit report completely and the same was acknowledged by them. In view of the sudden arrival and search by the police, the petitioners are not in a position to proceed further and subsequently went to the first respondent police for attending enquiry under Section 41-A of Cr..C., (corresponding Section 35 of BNSS Act) without having any account details and therefore, the petitioners asked to return all the original accounts book and audit report so as to enable them to produce the same before Wakf board for enquiry as per the direction of this Court in WP(MD)No.23110 of 2025. In view of the same, the first respondent police ought to have return all documents and account books



CRL OP(MD), No.4384 of 2026

with audit report forthwith. But even after their personal request at the time of enquiry before the investigation officer, no action was taken till now. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that there is a dispute with regard to administration of Periya Pallivasal Pandaravadai and Crescent Matriculation Higher Secondary School, situated at Pandaravadai, Papanasam Taluk, Thanjavur District. The petitioners did not maintain the accounts properly and swindled the huge amount of money of the said Pallivasal and School. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the Intervener would submit that the petitioners have not furnished the proper accounts details and swindled the huge money of the trust and audit was also not conducting properly. Therefore, he prayed for dismissal of the petition.

6. Heard both sides and perused the materials available on record.



CRL OP(MD), No.4384 of 2026

7. Considering the rival submissions on either side and the nature of offences charged against the petitioners, and the petitioners herein are the erstwhile trustees and members of the trust and there is a dispute between the petitioners and the defacto complainant in respect of conducting trust and the alleged occurrence is took place in the year 2014 onwards and all the witnesses were found out in the records, and hence, there is no scope of tampering, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on anticipatory bail on condition to 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 **Judicial Magistrate Court No.I, Thanjavur**, and on further conditions that:

[b] the petitioners shall report before the respondent police, daily at 10.30 a.m until further orders.

[c] the petitioners shall not commit any offences of similar nature.



CRL OP(MD), No.4384 of 2026

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

(P D B J)
15.04.2026
2/2

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CRL OP(MD), No.4384 of 2026

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To

- 1.The Judicial Magistrate Court No.I,
Thanjavur.
- 2.The Inspector of Police,
District Crime Branch,
Thanjavur District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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CRL OP(MD), No.4384 of 2026

P. DHANABAL,J

DSS

ORDER
IN
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Date : 15/04/2026
2/2