



CRL OP(MD). No.7701 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 03/06/2026

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THE HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No.7701 of 2026

1. Mohammad Rafeek

2. Maheshwaran

... Petitioners/ Accused No.1&3

Vs

State of Tamilnadu Rep by,
The Inspector of Police,
City Crime Branch,
Tiruchirappalli District.
Crime No.21/2026.

... Respondent/Complainant

PRAYER :-

For Anticipatory Bail in Crime No.21/2026 on the file of the respondent Police.

For Petitioners : Mr.N.Ratchaka,
Advocate.

For Respondent : Mr.N.Balasubramanian,
Government Advocate (Crl.Side)

For Intervener : M/s.M.Lavanya
Advocate.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the



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respondent for the offences punishable under Sections 318(4) and 336(3) of BNS, 2023, , in Crime No.21 of 2026 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that originally the property is belong to the defacto complainant's mother, namely, Ameena Beevi. She purchased the property from on Mohammed Ali, who is the power of attorney of one Krishnan Malavaraiyar vide D.No.4612 of 1986. After her demise, the defacto complainant is in possession and enjoyment of the property. In such circumstances, the accused is alleged to have fraudulently alienated the property to one Anthony through a sale deed D.No.3114 of 2015 by fabricating the documents and impersonating the defacto complainant's mother. Hence, the 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 the co-accused (A1) was released on anticipatory bail by this Court in Crl.OP(MD)No.9382 of 2026 dated 06.05.2026 and the

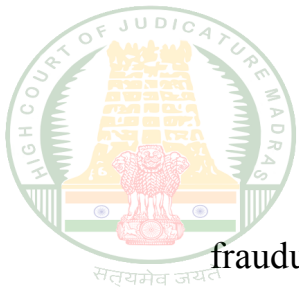


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petitioners herein are only stood as witnesses to the documents. Except that, there are no allegations against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the accused persons have sold the defacto complainant' mother's property fraudulently by fabricating the documents and impersonating the defacto complainant's mother and the investigation is still pending. Hence, he opposes to grant anticipatory bail to the petitioners. He would further submit that the co-accused was released on anticipatory bail by this Court and regarding the alleged impersonation, already a suit was filed by the defacto complainant in O.S.No.,640 of 2019 before the learned District Munsif cum Judicial Magistrate, Srirangam, and the same was dismissed on 05.04.2025.

5. The learned counsel for the Intervener would submit that it is a case of impersonation. One Ameena Beevi is alleged to have impersonated herself as the defacto complainant's mother and



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fraudulently alienated the property to one Anthony by fabricating the documents. Hence, she strongly opposed to grant anticipatory bail to the petitioners.

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

7. Considering the rival submissions on either side and the nature of offences charged against the petitioners, and already there is a dispute between the parties in respect of title of the property and already civil case also filed in O.S.No.640 of 2019 on the file of the District Munsif cum Judicial Magistrate, Srirangam and the same was dismissed on 05.04.2025 and according to the prosecution, the petitioners only stood as attesting witnesses to the document and the alleged occurrence took place in the year 2015 and FIR was registered in the year 2026 and all the witnesses were found out in the records, and hence, there is no scope for tampering the evidence. 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 bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the



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order copy made ready, before the learned **District Munsif cum Judicial Magistrate, Srirangam**, 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 learned Judicial Magistrate concerned 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.

[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



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P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

(P D B J)
03.06.2026
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dss

To

- 1.The District Munsif cum Judicial Magistrate,
Srirangam.
- 2.The Inspector of Police,
City Crime Branch,
Tiruchirappalli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL,J

DSS

ORDER
IN
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