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CRL OP No. 8049 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE MR. JUSTICE C.KUMARAPPAN

CRL OP No. 8049 of 2026

1. Palanisamy
2. P.Balaji
3. B.Ramya

..Petitioner(s)

Vs

State
rep. by the Inspector of Police
Reddiarpalayam Police Station,
Puducherry.
(F.I.R.No. 0044 of 2026)

..Respondent(s)

Somaya Soupramanien

..Intervener(s)

[Permitted to intervene vide order dated 21.04.2026 made
in Crl.M.P.No.7380/2026 in Crl.O.P.No.8049/2026]

Criminal Original Petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to enlarge them on bail in the event of their arrest in F.I.R.No.0044 of 2026 on the file of the Respondent subject to such conditions that may be imposed by this Court and render justice.

For Petitioner(s):

Mr.T.P.Manoharan
Senior Counsel
For Mr.M.Gopi

For Respondent(s):

Mr.M.V.Ramachandra Murthy
Public Prosecutor
[Puducherry]



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For Intervener(s):

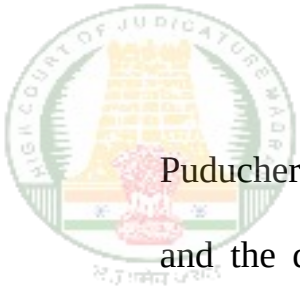
Mr.J.Saravanel

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for offences punishable under Sections 336(3), 340(2), 318(4), 316(2), and 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.44 of 2026, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioners are relatives. The first petitioner is a resident of Paris, France, and the second and third petitioners are the son and daughter of the first petitioner. The dispute pertains to property transactions involving a Power of Attorney executed by the defacto complainant in the year 2014. It is stated that a property at Krishna Nagar was sold because it was in low-lying area, and subsequently, another house was purchased. The defacto complainant allegedly provided Rs.7,98,998/- and consented to a loan of Rs.50,00,000/- for construction. However, the property was eventually sold on the complainant's instructions, leading to the present complaint.

3. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated. It is submitted that the first petitioner is a senior citizen, aged 75, who has conducted real estate business in



Puducherry for 20 years. The learned counsel contends that the first petitioner and the defacto complainant were well-acquainted; the property was sold to settle loans taken by the third petitioner for construction while the complainant was abroad. The learned counsel further argues that the first petitioner suffered significant financial loss and prejudice due to these transactions. It is contended that the defacto complainant, with mala fide intent and to escape liability for damages, filed this complaint directly with the Senior Superintendent of Police, Puducherry, on 06.03.2026. The learned counsel emphasizes that the matter is essentially civil in nature, involving accounts and property transactions, and that custodial interrogation is unnecessary.

4. The learned counsel for the Intervener/defacto complainant strongly opposes the bail, submitting that while the Power of Attorney was executed specifically for the 'Aishwariyam Nagar' property, the petitioners misused it to sell the 'Krishna Nagar' property. The learned counsel relies upon the judgment of the Hon'ble Supreme Court in ***Anna Waman Bhalerao vs. State of Maharashtra (2025 SCC Online SC 1974)***, wherein the Court held that custodial interrogation may be essential even in cases based on documentary evidence to trace the chain of transactions and prevent the tampering of records, and that the gravity of allegations cannot be diluted merely due to delay.



5. The learned Government Advocate (Crl. Side) appearing for the respondent police also opposes the grant of bail, on instructions, submitted that while the petitioners have no prior bad antecedents, the allegations involve a breach of trust and the misuse of a fiduciary document (Power of Attorney). It is further contended that given the interstate and international nature of the parties (residency in France), and the investigation requires the petitioners' presence to ascertain the flow of funds.

6. I have given my anxious consideration to the submissions made by the learned counsel on either side.

7. Considering the facts and circumstances of the case, the nature of the allegations arising out of a property transaction, and the fact that the first petitioner is a senior citizen aged 75 years, this Court takes note of the submission that the petitioners have no prior bad antecedents. Further, taking into account that the dispute appears to be documented through a Power of Attorney and that the investigation is based largely on records, this Court is of the view that custodial interrogation is not necessitated at this stage. Accordingly, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain stringent conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the



event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the III Judicial Magistrate, Puducherry, on condition that the petitioners shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each, with two sureties each for a likesum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioner(s) 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 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;

(c) The petitioner(s) shall report before the respondent police daily at 10.30 a.m., for a period of 60 days and thereafter as and when required for interrogation;

(d) The petitioner(s) shall not tamper with evidence or witness either during investigation or trial;

(e) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



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appropriate actions against the petitioner(s) in accordance with law as if the conditions have been imposed and the petitioner(s) released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]***;

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

21-04-2026
(2/2)

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

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- 1.The III Judicial Magistrate, Puducherry.
- 2.The Inspector of Police, Reddiarpalayam Police Station, Puducherry.
- 3.The Public Prosecutor, High Court of Madras, Chennai.



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C.KUMARAPPAN, J.

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