



2026 INSC 513

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

Criminal Appeal No. of 2026
(@ Special Leave Petition (Crl.) No. 17310 of 2025)

Vasantha

... Appellant

versus

State of Tamil Nadu and others

... Respondents

ORDER

1. Leave granted.
2. A sordid saga of a mother accusing her son and daughter-in-law of cheating her lays foundation for this litigation.
3. The mother, Vasantha, the appellant herein, got registered FIR No. 10 dated 03.05.2025 on the file of Trichy City Police Station under Sections 406 and 420 of the Indian Penal Code, 1860, along with Section 24 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. In her complaint, she stated that she was aged about 75 years and that, her husband, Vanuvamalai had passed away. She stated that she had two sons, Karthikeyan Manikandan and Venkatesan, along with three daughters, Kanagalakshmi, Maheswari and Akilandeswari. According to her,

Karthikeyan Manikandan, accused No. 1, and his wife, Vasupradha, accused No. 2, got all the family properties transferred in her name by way of a family settlement on 22.05.2019 and, thereafter, got her to sell an extent of land admeasuring Ac. 11.33 Cents for developing a layout. She was told that the land had been sold at the price of ₹85,00,000/- per acre and ₹9,65,34,775/- was credited into the bank account that was opened in her name. However, the said amount was also withdrawn by both the accused. She gave full details of such withdrawals along with cheque numbers.

4. She further stated that, in December, 2023, she received a notice from the Income Tax department calling upon her to pay a huge sum towards tax and at that stage, when she and Venkatesan, her son, along with Ammaiyaraj, her son-in-law, met Bhaskar, they were informed that the land was sold @ ₹2.75 crore per acre and that a sum of about ₹22 crore was paid separately to the accused, apart from the money deposited in her account. She alleged that the accused had transferred her house in the name of Karthikeyan Manikandan, accused No. 1, promising to maintain her but they drove her out, rendering her homeless. This complaint was signed by the mother, Vasantha, and also two of her daughters and her second son.

5. The anticipatory bail petitions filed by the two accused in Criminal M.P. Nos. 2797 and 2798 of 2025 before the learned I Additional District and

Sessions Judge (PCR), Tiruchirapalli, were dismissed on 16.07.2025. The accused then approached the Madras High Court, Madurai Bench, by way of Criminal OP (MD) Nos. 12807 and 10169 of 2025, praying for grant of anticipatory bail. However, by order dated 04.08.2025, the High Court denied them relief, noting the allegations levelled against them. It was also noted that the investigation was at a preliminary stage and that custodial interrogation was necessary.

6. Surprisingly, within a month, the accused came up with a fresh anticipatory bail petition in Criminal OP (MD) No. 15133 of 2025 before the High Court. The appellant, Vasantha, filed an intervention application therein opposing their prayer. However, by order dated 15.09.2025, a learned Judge of the High Court granted relief to the accused. Strangely, no mention was made in the order about the dismissal of the earlier bail application by another Bench just a month earlier. The learned Judge, therefore, did not even address the issue as to whether there was any change in circumstances, warranting grant of such relief to the accused.

7. The learned Judge observed in the order that a real estate business was being conducted and there was a money dispute between the parties regarding the fixation of the rate of the land. The learned Judge did not advert to the intervention application filed by the appellant or the fact that the

complainant was none other than the mother of accused No. 1, who alleged that she was cheated by her own kith and kin.

8. Having secured anticipatory bail, the accused then filed Criminal OP (MD) No. 17956 of 2025 under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking the quashing of FIR No. 10 of 2025. By way of interim relief, they sought stay of all further proceedings pursuant thereto. This petition was filed in October, 2025. By order dated 25.10.2025, a learned Judge of the High Court granted interim stay as prayed for.

9. Aggrieved by the grant of anticipatory bail to the accused, *vide* order dated 15.09.2025, the appellant approached this Court. Notice having been ordered on 07.11.2025, counter affidavits were filed by the State of Tamil Nadu as well as both the accused. The State, in its counter, stated that the investigation was continuing and that the allegations disclosed serious accusations, involving substantial financial transactions. The State pointed out that the investigating agency had opposed the grant of anticipatory bail before the Courts below on the ground that custodial interrogation of the accused would assist in tracing the flow of funds and in collecting further evidence related to the financial transactions. Further, the learned counsel appearing for the State informed us that, though the accused appeared before the Investigating Officer pursuant to the anticipatory bail order which

required them to do so, they did not cooperate as they failed to produce documents which should be in their possession.

10. In their counter affidavit, the accused, respondents 2 and 3 herein, tried to make out a case that there was a rift within the family and that it was the other family members who were behind this litigation. However, no attempt was made by them to demonstrate their *bonafides* by producing the documents evidencing the actual rate at which the land was sold.

11. Further, we may note that this was the third anticipatory bail application filed by the accused in three months. The accused filed anticipatory bail petitions, one after the other, in July, August and September, 2025. As stated earlier, the learned Judge did not note the fact that another Bench had, on 04.08.2025, dismissed the bail petition moved by the accused and, therefore, did not even go into the issue as to whether there was any changed circumstance warranting a different view being taken. Filing of anticipatory bail petitions in quick succession in this manner, viz., three petitions in three months, reduces that legal process, which is intended to pre-emptively secure the personal liberty of an individual in deserving cases, to a mere gamble and is nothing short of an abuse of process. We may also note that, having secured the relief of anticipatory bail, the accused lost no time in filing

a quash petition in October, 2025, and secured stay of all further proceedings. In effect, the accused brought the entire case to a grinding halt.

12. Given the near relationship between the parties and the fact that the accused are alleged to have taken undue advantage of a family elder, a septuagenarian, and also acted to the detriment of the other family members, we are of the opinion that this was not a fit case for the High Court to have granted anticipatory bail to the accused by treating it as a mere real estate business in which there was a dispute as to the land price. The case went beyond that and deserved a far more serious consideration than that given by the learned Judge while extending relief to the accused.

13. The appeal is accordingly allowed, setting aside the impugned judgment and order dated 15.09.2025 passed by the Madras High Court, Madurai Bench, in Criminal OP (MD) No. 15133 of 2025.

....., J.
SANJAY KUMAR

....., J.
K. VINOD CHANDRAN

May 15, 2026
New Delhi.