



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2022

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PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.14015 of 2022

Sabiyo @ Sabiyo Nixline

... Petitioner/Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
District Crime Branch (DCB),
Kanniyakumari District.
(Crime No.30/2022).

... Respondent/Complainant

For Petitioner	:	Mr.K.Vamanan Advocate.
For Respondent	:	Mr.E.Antony Sahaya Prabahar Additional Public Prosecutor
For Intervener	:	Mr.R.Gandhi, Advocate.

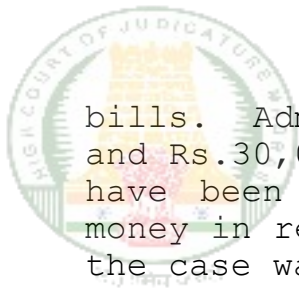
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.30/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 465 and 468 IPC in Crime No.30 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is doing whole sale business in fishing with Kanyakumari Marine Foods Private Limited. In the above said company, A1 was working as a Manager and he used to purchase fishes from the small vendors and agents on behalf of the company. The weight and price of the fish procured by A1 used to be cross checked by one Aneesh. After that, they will prepare the bill and the amount will be settled to the vendors. On suspicion, the Manager verified the accounts. At that time, it was found that A1 swindled huge amount by creating false



bills. Admitting his guilt, A1 returned Rs.5,00,000/- on 2.12.22 and Rs.30,00,000/- on 26.05.2022. As per the records, Rs.2.10 crores have been misappropriated. A1 has also invested the above said money in real-estate business. On the basis of the above allegation, the case was registered.

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3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He would further submit that the petitioner was not regular employee of the company and she was working as helper to the wife of the defacto complainant. He would further submit that the first accused alone swindling the entire amount. Hence, the learned counsel seeks for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that since the amount involved in this crime is Rs.2.10 Crores, custodial interrogation is necessary. He would further submit that in this case, investigation is not yet completed. Hence, the learned Additional Public Prosecutor opposed to grant anticipatory bail to the petitioner

5.The learned counsel appearing on behalf of the intervener strongly opposed to grant anticipatory bail to the petitioner by stating that the amount involved in this crime is Rs.2.10 Crores, hence, custodial interrogation is necessary.

6.Considering the facts and circumstances of the case and also considering the nature of the offence and also considering the fact that the amount involved in this crime is Rs.2.10 Crores and the investigation is not yet completed, this Court is not inclined to grant anticipatory bail to the petitioner at this point of time.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-

20/09/2022

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/09/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH (DCB),
KANNIYAKUMARI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.GANDHI, Advocate (SR-10302[I] dated 21/09/2022)

ORDER

IN

CRL OP(MD) No.14015 of 2022

Date :20/09/2022

skn

MK/SBN/SAR.I/26.09.2022/3P/4C