



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/10/2022

PRESENT

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

CRL OP(MD). No.17991 of 2022

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... Petitioner/2nd Accused

Vs

1.The Inspector of Police,
District Crime Branch Police Station,
Nagercoil,
Kanyakumari District.

... 1st Respondent

2.Vasanth,
Kanyakumari Marine Foods Pvt. Ltd.,
Chinna Muttam,
Kanniyakumari District.

... 2nd Respondent/De-facto
Complainant

For Petitioner : M/s.Victoria Gowri L,
Advocate.

For R1 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For R2 : 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, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of I.P.C, in Crime No.30 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Managing Director of the Kanyakumari Marine Food Private Limited situated at Chinnamuttom. The primary function of the above company is purchasing the fish from the retail seller and they have used such fish for sale. From 06.06.2015, the petitioner cheated the above company in a way of fabricated bills of procured the fish weight excessively instead of correct weight of fish and also without procured fish collected the amount from the company in



various fishermen's name and totally the first accused che value of Rs.2,10,70,232 and the second accused is supported to the first accused. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is engaged by Mrs.Vasanth, one of the Director of the said Company to maintain the garden and to take care of the little ward of the owner whenever Mrs.Vasanth was working in the company. When she do not turn up to the company, on few occasions, she was engaged in cross checking the bills of procured fish for the company. He would further submit that the petitioner is an innocent person and she did not commit any offence as alleged by the prosecution. Further, the petitioner is the pregnant lady and on sympathy ground, this court may consider the petition and she may be granted anticipatory bail. In support of her contention, the learned counsel for the petitioner placed reliance on the decisions of the various High Courts and also relied on Articles 6 and 24 of the Convention on the Rights of the Child.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the defacto complainant is the Managing Director of Kanyakumari Marine Foods Prviate Limited. The said Company is the whole sale fishing merchant company. On audit, the defacto complainant came to know the commission of offence of cheating, forgery and embezzlement of funds to the tune of Rs.2,10,70,232 by the accused persons. He would further submit that investigation in this case is still pending. Since huge amount is involved in this case, custodial interrogation of the petitioner is very much necessary. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.The learned counsel appearing for the second respondent concedes the submission made by the learned Additional Public Prosecutor appearing for the respondent police and vehemently opposed for grant of anticipatory bail to the petitioner.

6.Considering the seriousness and gravity of the offence committed by the petitioner and also the quantum of amount involved in the case and that the investigation is pending and the custodial interrogation of the petitioner is very much necessary, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-

14/10/2022

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/11/2022

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



TO

1 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.17991 of 2022
Date :14/10/2022

CP
SA/BUC/SAR.1/25.11.2022/3P/3C