



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/04/2023

PRESENT

The Hon`ble Mr.Justice **G.K.ILANTHIRAIYAN**

CRL OP(MD) . No.6413 of 2023

Sheela @ Chila

... Petitioner/Accused No.2

Vs

The State rep., by
The Inspector of Police,
CCB Police Station,
Tirunelveli City,
Tirunelveli District.
(in Crime No.3 of 2023)

... Respondent/Complainant

For Petitioners : Mr.G.Anto Prince
Advocate
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor
For Intervenor : Mr.R.L.Dhilipan Pandian
for Mr.Sanjay Sundram
Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.3 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 406 and 420 of IPC in Crime No.3 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Managing Partner in a Computer store, who is involved in supplying computers from their shop to many other shops on credit basis and getting the amount for it in lump sum or in instalments. In this case, the alleged accused persons, who are running a shop in the name of 'Excellent Computers' in Puducherry have been buying computers from the defacto complainant's shop on credit basis for



the past two years and paying amount through Bank NEFT. the accused persons have been alleged to have not remitted the due amount of Rs.59,02,193/- for the computer purchased from the defacto complainant's computer shop for the past three months. Thereafter, when the defacto complainant asked money, the accused persons has been alleged to have refused to give proper response. When the defacto complainant had approached the accused persons in person for money, they have been alleged to have threatened the defacto complainant and stated that they will not give money and asked him to do whatever he can and that if the defacto complainant demands money again, he will be treated differently. Hence, the complaint.

3. Heard both side and perused the materials available on record including the First Information Report.

4. On perusal of FIR, it reveals that the defacto complainant supplied computer accessories to the accused persons. The accused persons are running computer in the name of 'Excellent Computers' and used to purchased accessories from the defacto complainant. They used transfer the money through NEFT. However, they committed default to the tune of Rs.59,02,193/- for the past three months and they refused to pay the said amount, when it was questioned by the defacto complainant, they accused threatened the defacto complainant with dire consequences. The first accused was arrested and remanded to judicial custody. As far as the petitioner is concerned, she is arrayed as A2. That apart, the entire transaction was business transaction and as such, all the allegations are civil in nature. Hence, the custodial interrogation of the petitioner does not require. Therefore, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police daily at 10.30am., for a period of two weeks and thereafter, as and when required for interrogation.



[c] the petitioner shall not tamper with evidence or either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/04/2023

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/04/2023

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

rmk

TO

1. The Judicial Magistrate NO.I, Tirunelveli.
2. Do through the Chief Judicial Magistrate,
Tirunelveli.
3. The Inspector of Police,
CCB Police Station, Tirunelveli City,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M/S.ANTO PRINCE G, Advocate (SR-5500[I] dated
06/04/2023)

ORDER
IN
CRL OP(MD) No.6413 of 2023
Date : 06/04/2023

NA/BUC/SAR-4/19.04.2023/3P/6C

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