



CRL OP(MD). No.14899 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.14899 of 2024

B.Roshnara @ Basu Rosnara

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu Rep by,
The Inspector of Police,
District Crime Branch,
Thoothukudi District.
(In Crime No.19 of 2024)

... Respondent/Complainant

For Petitioner : Mr.B.Surya Prakash,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervenor :Mr.Radhakrishnan,
Advocate.

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



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PRAYER :-
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For Anticipatory Bail in Crime No.19 of 2024 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, 420, 294(b) and 506(1) of IPC, in Crime No.19 of 2024, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel for the petitioner placing strong reliance on the judgment of the Hon'ble Supreme Court of India in Ravindranatha Bajpe Vs. Mangalore Special Economic Zone Limited reported in (2022) 15 SCC 430 would submit that when the allegation is made only as against the Company unless all the Directors are expressly made liable by the statute, the petitioner could not have been arrayed as an accused. He would further submit that the matter is civil in nature.

4. The nature of the allegation is that when the petitioner has paid money for the purpose of shipping in respect of 16 containers, the seaway bill has been supplied



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only in respect of 6 containers and in respect of the balance of 10 containers, the seaway bill has not been supplied. Even for the dispute sake, any plausible explanation is not forthcoming, and then it cannot be said to be civil in nature.

5. As far as the argument relating to vicarious liability is concerned, the question is that only when the individual allegations are not made, it will be for the Company to nominate the accused and the defacto complainant cannot pinpoint or include any one. But, however, when the individual names are clearly mentioned in the transactions, at this stage, it cannot be said that it is only vicarious liability, which is sought to be foisted on the petitioner.

6. For the above reasons, I am not inclined to enlarge the petitioner on anticipatory bail and accordingly, this Criminal Original Petition stands dismissed.

sd/-
03/10/2024

/ TRUE COPY /

/10/2024

Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1.The Inspector of Police,

District Crime Branch, Thoothukudi District.

<https://www.mhc.tn.gov.in/judis>



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2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.SURYA PRAKASH, Advocate (SR-12257[I] dated 04/10/2024)

ORDER
IN
CRL OP(MD) No.14899 of 2024
Date :03/10/2024

RK/MMS (16/10/2024) 4P / 4C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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