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CRL O.P. No.5443 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.5443 of 2025

Bhuvaneshwari W/o. Virupachi Petitioner / Accused-2

Vs

State rep. by:-

The Inspector Of Police,
Avadi CCB Police Station,
Avadi, Chennai - 600 053.
[Cr. No.75 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in Crime No.75 of 2024 on the file of the respondent police.

For Petitioner : Mr. Balaji.B.

For Intervenor/
defacto complainant: Ms. S.E. Reethika

For Respondent : Mr. S. Santhosh
Government Advocate
[Criminal side]

ORDER



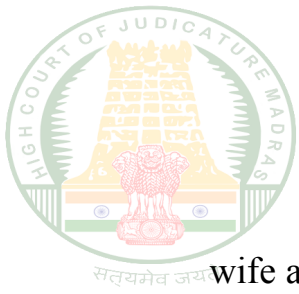
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The petitioner / Accused-2, who apprehends arrest in the hands of the respondent police for the offence punishable under Sections 406, 420 and 506(i) of IPC in connection with the case in Crime No.75 of 2024, seeks anticipatory bail.

2. The case of the prosecution is A1 and the defacto complainant had business transactions between them; that the defacto complainant had supplied rice and other provisions between the period 18.03.2022 and 07.08.2022 for a total value of Rs.1,69,70,750/- to A1; and that A1 had not paid any money and had issued two cheques for Rs.30 lakhs and Rs.10 lakhs respectively, and when the same were presented for collection, they were returned for the reason 'insufficient funds'; that the petitioner is the wife of A1 and his companies are registered in the name of the petitioner for GST purposes and hence, she is also liable for the offences.

3. Learned counsel for the petitioner would contend that the allegations against the petitioner are false; that the petitioner is a house



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wife and her name was used by her husband for GST registration; that the alleged transactions are commercial in nature, which took place in the year 2022 and in any case, A1 has been arrested and released on bail and hence custodial interrogation of the petitioner is not required and therefore prayed for grant of anticipatory bail to the petitioner.

4. Learned counsel appearing for the defacto complainant vehemently opposed the grant of anticipatory bail to the petitioner on the ground that the GST Registration stands in the name of the petitioner and the petitioner along with her husband had cheated the defacto complainant to the tune of Rs.1,69,70,750/- and thus, no indulgence should be shown to the petitioner.

5. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and on instructions, submitted that the transactions took place between A1 and the defacto complainant and A1 has been arrested and released on bail.



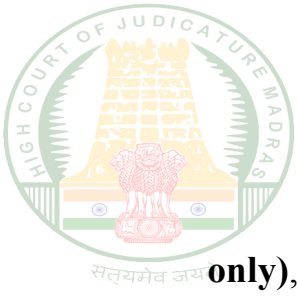
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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

6. Considering the fact that it is a case of non-payment of consideration after receipt of provisions between the period 18.03.2022 and 07.08.2022, the fact that the transactions took place between A1 and the defacto complainant; that A1 has been arrested and released on bail; that the petitioner, a house wife, is only a name lender for GST Registration, this Court is of the view that the custodial interrogation of the petitioner is not required for the purpose of investigation and therefore, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7. 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 of receipt of a copy of this order, before the learned **Judicial Magistrate-I, Poonamallee** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand**



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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 conditions that:

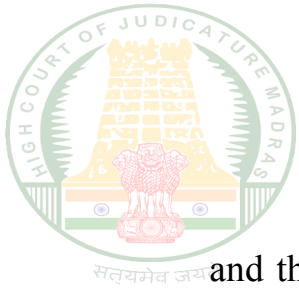
[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police as and when required for interrogation;

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

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

[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



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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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

28.02.2025

mjs

To

- 1.The Judicial Magistrate-I, Poonamallee.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector Of Police, Avadi CCB Police Station, Avadi, Chennai - 600 053.

SUNDER MOHAN. J.,

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