



Crl.OP.No.6830 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 19.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6830 of 2025

Shakira Banu @ Suba

.. Petitioner/A5

Vs.

The State rep by
The Inspector of Police,
Annadhanapatti Police Station,
Salem District.
(Crime No.16 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.16 of 2025 on the file of the respondent Police.

For Petitioner : Mr.Nalliyappan R

For Respondent : Mr.S.Santhosh
Government Advocate(Crl.Side)

ORDER

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 318(4) of BNS altered to Sections 336(3) and 340(2) of BNS in Crime No.16 of 2025,

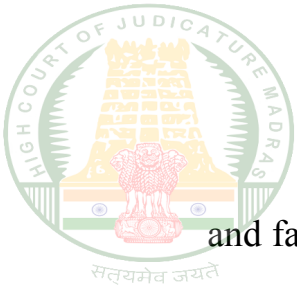


seeks anticipatory bail.

WEB COPY 2. It is the case of the prosecution that the first accused had requested the defacto complainant to supply 30 Tonnes of coconut valued at Rs.8,68,325/-; that after the receipt of the coconut, had not paid the consideration; that the petitioner/A5 who was working in A1's company had given lame excuses whenever the defacto complainant sought for payment; and that apart from the defacto complainant, the first accused had cheated other vendors, a total sum of Rs.45 Lakhs. Hence, the case.

3. The learned counsel for the petitioner would submit that even according to the prosecution, the petitioner is only an employee of the first accused company; that she has nothing to do with the alleged non payment of the money to the defacto complainant's company; and that in any case custodial interrogation of the petitioner is not required for the purpose of investigation, and prayed for anticipatory bail.

4. The learned Government Advocate (Crl.Side) while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case



and fairly submitted that the petitioner was only working in the first accused company; that the first accused was arrested and released on bail; and that the first accused had cheated the other victims apart from the defacto complainant.

5. Considering the nature of the allegations against this petitioner, the fact that the dispute relates to non payment of money for the goods supplied and the first accused was arrested and released on bail, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation and is inclined to grant anticipatory bail to the petitioner on certain conditions.

6. 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 is made ready, before the **learned Judicial Magistrate No.IV, Salem**, 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



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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, once in a week i.e., on every Monday at 10.30 a.m., until further orders.

[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 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 269 of B.N.S.



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WEB COPY : Yes / No
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SUNDER MOHAN , J.

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To

- 1.The Inspector of Police,
Annadhanapatti Police Station,
Salem District.
- 2.The Judicial Magistrate No.IV, Salem.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

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