



WEB COPY

CRL OP No. 9381 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

**CRL OP No. 9381 of 2026
and Crl.M.P.No.7551 of 2026**

E.Mariya Sheela

..Petitioner(s)

Vs

1.The State Represented by,
The Inspector of Police,
Ambattur Police Station,
Chennai.
Cr.No.65/2026

2.E.Mariya Sheela

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, praying to grant anticipatory bail in the event of arrest of the petitioner by the respondent police in Crime No.65 of 2026 on the file of respondent police.

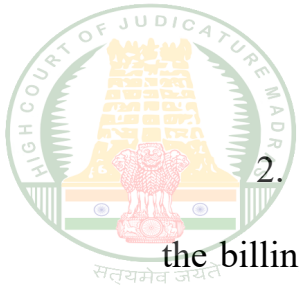
For Petitioner(s): Mr.M.Mohanasundram

For Respondent(s): Mr.P.Dhileepan, Govt. Advocate for R1

Mr.T.Muruganantham for R2/Intervenor

ORDER

The petitioner apprehends arrest for the alleged offence under Sections 316(4) of BNS in Crime No.65 of 2026, on the file of the respondent police seeks anticipatory bail.



2. The case of the prosecution is that the petitioner while working in the billing section of the defacto complainant's company, misused his position of trust and misappropriated cash collected from customers by falsely marking transactions as UPI payments. On verification, multiple discrepancies over the past six months revealed a total shortage of about Rs.3,50,000/-. Hence the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and she has not committed any offence as alleged by the defacto complainant and he has been falsely implicated in this case. He further submitted that he is ready to abide by any conditions that may be imposed by this Court and ready to co-operate with the investigation. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned counsel for the intervenor vehemently opposed the grant of anticipatory bail, contending that the petitioner misappropriated a sum of ₹3,50,000/- over a period of one year. He further prayed that a direction may be imposed against the petitioner to pay certain amounts in respect of the misappropriation.

5. The learned Government Advocate (Crl. Side) reiterated these contentions and strongly opposed the grant of anticipatory bail.



6. The fundamental principle governing anticipatory bail is to maintain a balance between the suspicion of involvement and the actual commission of an offence. While the petitioner maintains her innocence, the respondent alleges a misappropriation of ₹3,50,000/-. Considering the factual aspect, specifically that the petitioner is a woman and the alleged occurrence took place over a year ago, this Court is of the considered view that custodial interrogation is not warranted. Consequently, this Court is inclined to grant anticipatory bail to the petitioner, subject to 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 (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate, Ambattur**, on condition that **the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only)**, with **two sureties each**, for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioner fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) The sureties shall affix their photographs and left thumb impression in the application for surety ship (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The



learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(c) The petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of 15 days and thereafter, as and when required for interrogation;

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

(e) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

24-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VKR

To

1.The Judicial Magistrate, Ambattur.

2.The Inspector of Police,
Ambattur Police Station,
Chennai.

3.The Public Prosecutor,
High Court of Madras.



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C.KUMARAPPAN, J.

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