

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.10336 of 2021

1. Laurence Franklin
2. Asha Laurence

... Petitioners

Vs.

The State Represented by :-
Sub Inspector of Police,
Central Crime Branch,
Coimbatore City.
(Crime No.26 of of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.26 of 2021 pending on the file of the respondent police.

For Petitioners : Mr.S.Parthasarathy

For Respondent : Mr.A.Gopinath
Government Advocate (Crl side)

For Intervenor : Mr.Prabhakaran

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Section 120B, 406, 420 & 506(i) of IPC in Cr.No.26 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the first petitioner started a partnership firm under the name and style of "L&M Profit Solutions" and all the accused induced the defacto complainant, who is a non-residence of Indian, invested a sum of Rs.1,40,00,000/- in the business of international bank guarantee. When the defact complainant asked to return the amount, they did not return the money and threatened him. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners submit that the petitioners are innocent and they have not been committed any offence as alleged by the prosecution. The learned counsel further submitted that the business was not in success due to the pandemic. However, on instructions, the petitioners are ready to deposit a sum of Rs.50,00,000/- within a period of eight weeks in favour of the defacto complainant. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned counsel for the defacto complainant has no objection to grant anticipatory bail to the petitioners.

5.The learned Government Advocate submitted that the first petitioner and the defacto complainant have entered into an agreement to run a business. For which, the defacto complainant invested a sum of Rs.1,40,00,000/-. When the defacto complainant asked to return the money, the petitioners along with other accused cheated him.

5. Considering the facts and circumstances of the case and the petitioners are ready to pay some partial amount, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of eight weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate-VII, Coimbatore, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners are directed to deposit a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) by way of Demand Draft to the credit of Crime No.26 of 2021, before the learned Judicial Magistrate No.VII, Coimbatore without prejudice to their defence before the trial Court within a period of eight weeks from the date of receipt of copy of this order and the learned Judicial Magistrate, after perusing the Demand Draft, shall accept the sureties furnished by the petitioner. Thereafter, the learned Judicial Magistrate is directed to disburse the amount to the defacto complainant on filing an appropriate undertaking affidavit before the trial Court.

(c)the petitioners shall report before the respondent police daily at 10.30 a.m. For a period of two weeks until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

17/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.VII, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 SUB-INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
COIMBATORE CITY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.PARTHASARATHY Advocate on payment of necessary charges Sr.6501

CC to M/S.PRABHAKARAN Advocate on payment of necessary charges

CRL OP.10336/2021

Date :17/06/2021

RVR 06/07/2021