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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.OP.No.637 of 2022

S.Sadasivam

... Petitioner

Vs.

1.The Superintendent of Police,
Coimbatore, Coimbatore District.

2.The Inspector of Police,
District Crime Branch,
Coimbatore.

... Respondents

Prayer: Criminal Original Petition has been filed under Section 482 Cr.P.C to direct the respondents to withdraw Lookout circular (LOC) issued as against the petitioner in crime No.15 of 2021 on the file of the 2nd respondent.

For Petitioner : Mr.R.C.Paul Kanagaraaj

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

This criminal original petition has been filed to direct the respondents to withdraw Lookout circular (LOC) issued as against the petitioner in crime No.15 of 2021 on the file of the 2nd respondent.

2.The petitioner, who is the first accused in Crime No.15 of 2021 for offences under Sections 406 and 420 IPC, has filed this petition seeking direction to withdraw Lookout circular (LOC) issued as against the petitioner.

3.The contention of the learned counsel for the petitioner is that the petitioner, on registration of the case, filed an Anticipatory Bail before this Court in Crl.O.P.No.16360 of 2021 and this Court by order dated 13.09.2021 granted Anticipatory bail. During Anticipatory Bail, intervenor appeared and made his objection. The grievance of the intervenor was that the



petitioner lured the intervenor to invest money in his business and assured that 40% profit of the amount, based on which, the intervenor/defacto complainant invested a sum of Rs.20 lakhs and later, it was not paid.

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4.This Court by its order dated 13.09.2021 in CrI.O.P.No.16360 of 2021 directed the petitioner to deposit a sum of Rs.5,00,000/- to the credit of Crime No.15 of 2021. The petitioner, as per the direction of this Court dated 13.09.2021, deposited a sum of Rs.5,00,000/- before the Judicial Magistrate No.I, Pollachi(FAC), on 12.10.2021 in receipt No.10373. Further, the petitioner submits that earlier to the Anticipatory Bail, the petitioner paid a sum of Rs.10,00,000/- to the defacto complainant is not in dispute and thereafter, the balance sum of Rs.5,00,000/- was paid. The entire amount of Rs.20,00,000/- was paid.

5.Now, the petitioner submits that further continuation of the investigation in Crime No.15/21 is not required. Be that as it may, one thing is certain that the petitioner was granted anticipatory bail by this Court in CrI.O.P.No.16360 of 2021 on 13.09.2021. Thereafter, as per the direction of this Court, he paid Rs.5,00,000/- before the Judicial Magistrate No.I, Pollachi (FAC) in receipt No.10373. Now, the petitioner is on bail. The petitioner and his wife are now planning to leave for San Francisco, where, the petitioner's son is employed and residing. He further submits that no restriction is imposed by this Court or any Court. During the investigation, the respondent police though the Superintendent of police, Coimbatore District to Immigration authorities requesting issue of lookout circular (LOC), LOC was opened. The petitioner unknowingly when he came back from USA, he was detained in Cochin Airport, thereafter, handed over to the respondent police, at that time, the petitioner transferred Rs.10,00,000/- to the account of the defacto complainant, which was a Bank transfer. Now, after obtaining bail, keeping LOC in force not required, LOC cannot be kept pending endlessly restraining free movement.

6.The learned Additional Public Prosecutor submits that the LOC was opened against the petitioner on the request of the Superintendent of Police, Coimbatore, who provided the details of the petitioner on 30.04.2021. The petitioner is holding passport No.Z2910332. He confirms the petitioner granted Anticipatory Bail executed sureties and conditions, petitioner also co-operated with the investigation.



7.Considering the submission and on perusal of the materials, it is seen that the petitioner, who is the first accused in Crime No.15/2021, obtained Anticipatory Bail from this Court and he complied with all the conditions imposed on him by this Court, further he cooperated with the investigation. The request for lookout circular was given on 30.04.2021. At the initial period of investigation, since the petitioner not available there. Once anticipatory bail is granted, question of abscondance does not arise. The Hon'ble Apex Court in catena of judgments following the case of "Menaka Gandhi Versus Union of India reported in AIR 1978 SC 597" consistently held that it is a constitutional right of a person to travel abroad and no one should be deprived of his life and liberty except by the procedure established in law. It is to be stated that the petitioner is intending to meet his son, who is residing in San Francisco. Therefore, this Court following same in the case of "E.V.Perumalsamy Reddy and others Versus State represented by the Deputy Commissioner of Police reported in 2014 (1) MLJ 125" and in the case of "S.Martin Versus the Deputy Commissioner of Police, Central Crime Branch reported in 2014 (1) MLJ 647" wherein it is held that once a person is granted bail, no question of sustaining Look Out Circular would arise, unless the person is involved in any heinous crimes and in terrorist activities. In this case, the petitioner paid the entire amount and he got Anticipatory bail, not involved in any heinous offence.

8.In view of the same, this court quashes the Look Out Circular issued against the petitioner in Crime No.15 of 2021. The petitioner holder of Passport No.Z2910332 is free to travel without any restriction in and out of India and the petitioner shall not be detained by immigration or any other authorities. The petitioner to inform the second respondent about his travel details such as date of departure and arrival, place of stay and his contact details like mobile number and email address by mail or other communication.

9.With the above directions, this Criminal Original Petition is disposed of. The petitioner come forward voluntarily to donate a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of of the Madras Advocate Cooperative Society Limited, Madras in Account No.484022647, Indian Bank, Madras High Court Branch, Madras.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar



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To

- 1.The Superintendent of Police,
Coimbatore, Coimbatore District.
- 2.The Inspector of Police,
District Crime Branch,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.

Copy to

The Secretary,
Madras Advocate Co-Operative Society Ltd.,
Madras.

+2cc to Mr.R.C.Paul Kanagaraj, Advocate Sr.6994

Crl.OP.No.637 of 2022

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srg 04/02/2022