



Crl.O.P.No.7150 of 2023

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A.D.JAGADISH CHANDIRA, J.,

The petitioners, who apprehend arrest at the hands of the respondent/ Police for the offences punishable under Sections 420 and 406 of IPC in Crime No.5 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Rathinasamy is that he is running a business in the name of Freeway Clothing Company and involved in the business of exporting garments. On 26.02.2020, the first accused along with his wife, son and daughter-in-law approached him, stating that they involved in the business of exporting garments to Dubai and various other places and they insisted him to invest money in their company and on believing the words of the accused persons, the defacto complainant invested Rs.50 lakhs and towards security, the accused persons have executed promissory notes and post dated cheques. Since the accused did not give any returns/profit and when the defacto complainant questioned the same and asked to return the amount, the accused stated that they have closed



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their business and they have not repaid the amount. Further, when the defacto complainant had presented the cheques for collection, the same were returned for various reasons. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Pending application, the first and third petitioners were earlier arrested by the City Crime Branch Police, Coimbatore in Crime No.19 of 2023 and they are in custody. They have been formally arrested in the present case also. The petition in respect of petitioners 1 and 3 become infructuous. Second petitioner is the wife of the first petitioner. Fourth petitioner is the daughter-in-law of the first petitioner. He further submitted that the first petitioner along with his sons was engaged in the business of manufacturing of electrical goods and supplied the same to Kerala State Electricity Board. During the course of business, he had borrowed money from one Denston C.Raja for the purpose of developing the business. During the covid period, the first petitioner has suffered a heavy loss in the business and thereby was unable to repay the loan



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amount to the said Denston C.Raja. Earlier, the said Denston C.Raja had given a criminal complaint against the petitioners in respect of which enquiry was conducted by CCB, Coimbatore. During the enquiry, it was found that the entire transaction between the said Denston Raja and the petitioners were civil in nature and thereby the complaint was closed. Thereafter, the Denston Raja started troubling and harrasing the petitioners and thereby the petitioners have filed a civil suit before the District Munsif Court of Kollam. Later, the defacto complainant on the instigation of the said Denston Raja has given the present complaint. He further submitted the petitioner 2 and 4 are house wives and they have been unnecessarily roped in this case to put pressure and recover money under the threat of arrest. The main accused are now in custody. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the second and fourth petitioners are wife and daughter-in-law of the first petitioner respectively. The petitioners have along with the other accused had



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voluntarily approached the defacto complainant stating that they are doing a business of manufacturing and exporting the garments to abroad and induced the defacto complainant to invest money in their business and they have given assurance to give huge profit in the business. Believing the same, the defacto complainant invested a sum of Rs.50 lakhs in their business and in return, the petitioners handed over some pronotes and post dated cheques as security. Since the petitioners failed to return the profits as promised and the same was questioned by the defacto complainant, they replied that they were not in a position to give the profit. Further, when the defacto complainant had presented the cheques for collection, and the same have been returned and thereby they have cheated the defacto complainant. First and third petitioners were earlier arrested in Crime No.19 of 2023 registered by the CCB, Coimbatore and they have also been formally arrested in this case also.

5. Mr.V.Karthikeyan, learned counsel for the Intervenor has submitted that the petitioners approached the defacto complainant and induced him to invest money in their business, by stating that he will get



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huge profit. Believing their words, the defacto complainant invested Rs.50 lakhs in their business. The petitioners neither gave the profit nor returned the money to the defacto complainant and cheated him. He vehemently opposed to grant anticipatory bail to the petitioners.

6. Heard both sides and perused the materials available on record including the FIR.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.IV, Tiruppur**, on condition that the each of the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with two sureties each for a



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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 condition that :

[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent Police every day at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 am., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;

[e] Breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



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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, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

[f] if the petitioners herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

9. Accordingly, the Criminal Original Petition is ordered.

06.06.2023

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Note: Issue Order Copy on 12.06.2023.



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