



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Sixth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) Nos.7728, 7665 & 7727 of 2015

SATHISH

... PETITIONER / ACCUSED No.2
IN CRL OP(MD) No.7728 of 2015

TMT.NIRMALA JEYAHAR

... PETITIONER / ACCUSED No.3
IN CRL OP(MD) No.7665 of 2015

S.WINSTON JAKINS

... PETITIONER / ACCUSED No.4
IN CRL OP(MD) No.7727 of 2015

Vs

THE STATE REP.BY THE SUB INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, NAGERCOIL,
KANYAKUMARI DISTRICT , CRIME NO.32/2015 ... RESPONDENT/ COMPLAINANT
IN ALL THE PETITIONS

For Petitioner : M/S.F.DEEPAK, Advocate
IN CRL OP(MD)No.7728 of 2015

For Petitioner : M/S.K.MAHENDRAN Advocate
IN CRL OP(MD).No.7665 of 2015

For Petitioner : M/S.S.SUMESH, Advocate
IN CRL OP(MD)No.7727 of 2015

For Respondent : M/S.S.PRABHA GOVERNMENT ADVOCATE (CRL.SIDE)
IN ALL THE PETITIONS

For Intervenor : M/S.T.JEEN JOSEPH, ADVOCATE
IN ALL THE PETITIONS

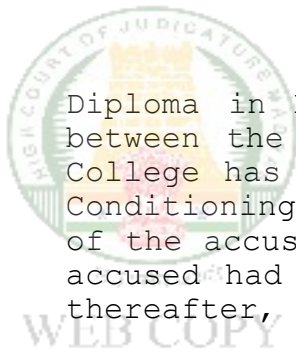
PETITIONS FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

COMMON ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A2 to A4 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 406 and 420 of IPC, in Crime No.32 of 2015 on the file of the respondent police and hence, seeks anticipatory bail respectively.

<https://hcservices.ecourts.gov.in/hcservices/>

2.According to the de-facto complainant, his son was admitted in Moderator Gnanadasan Polytechnic College, Nagercoil, in the course of



Diploma in Mechanical Engineering in the year 2010 and he was studying between the Academic year 2010 and 2014. The accused announced that the College has started three months Certificate Course of Refrigeration, Air Conditioning and Auto-CAD with Machine Drawing. As per the announcement of the accused, the de-facto complainant has paid Rs.3,600/- to A6 and the accused had conducted the said Certificate Course only for one month and thereafter, stopped and they did not also conduct any examination.

3.It is further case of the de-facto complainant that the accused have collected money from the other students also and when the de-facto complainant asked A6 to return the amount, he said that Certificates will be issued after receipt from the State Project Co-ordination Unit and that the certificate issued in favour of his son on 18.12.2014 was found to be a fake one and thereafter, it came to light that the accused were running the Course without proper permission from the Director of Technical Education, Guindy, Chennai and thereby, cheated the de-facto complainant and others.

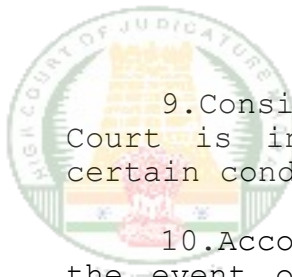
4.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The learned counsel further submitted that Moderator Gnanadason Polytechnic College is a reputed College in Kanyakumari district, which is imparting education to poor and needy people in that locality, run by CSI Diocese, Kanyakumari District and that A2 is the Correspondent, A3 is the Principal and A4 is the Continuing Education Manager of the said college.

5.It is further submitted that the Certificate Course of Refrigeration, Air Conditioning and Auto-CAD is conducted through the State Project Coordination Unit established under the Canada-India Institutional Co-operation Project and Certificates were issued by the State Project Coordination Unit, Chennai; that A6 had been in charge of the said course before 2011 and the College has stopped admitting the students for the said Course from 2011. However, A6 without the knowledge of the institution, had collected money from the de-facto complainant and other students. So, A3 who is the Principal of the College initiated action against A6 by placing him under suspicion. The learned counsel further submitted that A3 has also lodged a complaint against A6 on 03.03.2015 before the Superintendent of Police, Nagercoil, Kanyakumari District.

6.The respondent has filed detailed counter affidavit opposing grant of anticipatory bail to the petitioners.

7.The learned Government Advocate (Criminal side) submitted that the accused are entitled to run the Certificate Course, after obtaining permission from the Director of Technical Education, Chennai, but in the instant case, the accused have collected money from the de-facto complainant and other students and also issued fake certificates to them and to unearth the truth, custodial interrogation of the accused is very much necessary.

8.It is not in dispute that the de-facto complainant has specifically stated that the amount was collected by A6 and he assured the de-facto complainant for issuance of certificate. It is further stated that A6 contacted the son of the de-facto complainant over his cell phone on 19.12.2014 stating that the certificate is a genuine and later, it was found to be a fake certificate.



9.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

10.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Nagercoil and on each of them executing 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 06.00 p.m until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

11.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
06/10/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, NO.I, NAGERCOIL.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4 THE SUB INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, NAGERCOIL,
KANYAKUMARI DISTRICT.

+1. CC to M/S.F.DEEPAK Advocate SR.No. 59271

TS/16.10.2015/2P - 6C SK-SKN/SAR -I

ORDER
IN
CRL OP (MD) Nos.7728, 7665 & 7727 of 2015
Date :06/10/2015