

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Eighth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S. VAIDYANATHAN

CRIMINAL ORIGINAL PETITION No.8812 of 2017

A.ANUBAKKYA,

[ PETITIONER / ACCUSED ]

Vs

1 THE STATE REP.BY  
THE INSPECTOR OF POLICE (CRIME),  
M-6 POLICE STATION,  
MANALI, CHENNAI. CR.NO.1516/2016

[ RESPONDENT ]

2 SELVI

For Petitioner : No Appearance

For Respondent : MR. R. SEKAR, Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the first respondent-Police for the alleged offence punishable under Section 420 IPC in Crime No.1516 of 2016 on the file of the first respondent-Police, the petitioner has come forward with this petition seeking anticipatory bail.

2. There is no representation for the petitioner. Heard the learned Government Advocate (Crl. Side) appearing for the respondent-Police.

3. The case of the prosecution is that the petitioner/A3 along with A1 and A2 are alleged to have received Rs.18,00,000/- from the de-facto complainant by promising her that they would procure MBBS seat and thereafter, they neither procured MBBS admission, nor returned the money they received.

4. It is the case of the petitioner that he is innocent and he has been falsely implicated in this case.

5. Learned Government Advocate (Crl. Side) appearing for the first respondent submitted that the petitioner and the co-accused have cheated the de-facto complainant under the premise of procuring MBBS seat and they did not return the money. He would further submit that investigation in this case is at preliminary stage and the prosecution has to examine some more witnesses, and hence, at this stage, if the petitioner is released on anticipatory bail, there is every possibility for him to tamper the evidence and will threaten the witnesses and he will not co-operate with the investigation. Thus, he prayed for dismissal of this petition.

6. Since the petitioner along with other accused, collected money and the petitioner has his share in it, and as serious allegations have been made against the petitioner and other accused, this Court is not inclined to grant anticipatory bail to the petitioner. It is stated by the learned Government Advocate that A1 has been arrested and remanded to judicial custody and that A2 is absconding and the petitioner is A3.

7. Therefore, taking into consideration the above facts and circumstances of the case and the gravity of the offence, since this Court feels that custodial interrogation of the petitioner is necessary to unearth the real facts, this Court is not inclined to grant anticipatory bail to the petitioner. Therefore, this petition is dismissed.

8. The Police must ascertain as to how the de-facto complainant was able to part with huge sum for getting a medical seat. The one who receives bribe alone cannot be punished, even the person who gives bribe, under any circumstance, is also to be blamed. To put an end to this offence, the Income Tax Department should be set in motion, so that they will probe into the assets and liabilities of such offenders and ascertain their assets from which they have paid the bribe.

9. A copy of this order be marked to the Commissioner of Income Tax, Income Tax Department, Mahatma Gandhi Road, Nungambakkam, Chennai-600 034, to enable him to act in the above regard and to ascertain the truth or otherwise of the case, so as to bring the culprits to book.

-sd/-

08/06/2017

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 INSPECTOR OF POLICE (CRIME),  
M-6 POLICE STATION, MANALI,  
CHENNAI.

2 THE INCOME TAX  
THE COMMISSIONER INCOME TAX DEPARTMENT,  
MAHATMA GANDHI ROAD,  
NUNGAMBAKKAM, CHENNAI 600 034

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.E.SIVANANDAN Advocate on payment of necessary  
charges Sr.No.10259

CRL OP.8812/2017

Date :08/06/2017

MD: 13/06/2017