

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Seventeenth day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL ORIGINAL PETITION No.21226 of 2018

1 HEMALATHA
2 DHANASEKARAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, TEAL NO.IV,
EGMORE, CHENNAI.
CR. NO. 149 OF 2016.

[RESPONDENT]

For Petitioner : M/S.M.ARIVUKKUMAR Advocate

For Respondent : MR. R.SURYA PRAKASH, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent/police for the alleged offences under Sections 406, 408, 417 and 420 IPC, in Crime No.149 of 2016, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are a nephew of the defacto complainant, who has arranged for securing admission in the MBBS course. For the said purpose, the defacto complainant paid Rs.20,00,000/- as advance during July 2013 and further sum of Rs.10,00,000/- was also paid to A2 and A3. When the accused have not secured admission in the MBBS seat for the defacto complainant, the defacto complainant demanded the money to be returned, the accused threatened the defacto complainant with dire consequences.

3. The learned counsel for the petitioners submitted that in this case, the petitioners/A1 and A2 stated that they have not received any amount as alleged by the defacto complainant. They are implicated and arrayed as accused in this case and they claim that they are innocent and not indulged in the said act.

4. The learned Government Advocate (Criminal Side) submitted that totally 5 accused are involved in the offences viz., A1 to A5. The FIR reveals the fact that the petitioners along with three persons have cheated the defacto complainant by saying that they will secure MBBS seat for him and totally received a sum of Rs.45,30,000/- and they also fabricated some forged documents, but

later after receipt of huge amount, the accused informed the defacto complainant that they could not get MBBS seat and the seat was given to some other person, who paid a huge amount. When the defacto complainant demanded to return back the money, it was not returned to the defacto complainant, hence the case has been registered against the accused A1 to A5. It is also observed that the petitioners involved in the fabrication of false documents viz., "Provisional Selection Card" to make the defacto complainant believe as though, the said document has been given by the Balaji Medical College and Hospital.

5. On perusal of the FIR, it is revealed that the petitioners have committed a grave offence of enticing the defacto complainant for securing medical seat and obtained huge amount and also involved in the offence of creating the document as though the Institution has given a selection card to the defacto complainant. So far the amount paid by the defacto complainant is not paid by the accused, it is the argument of the learned counsel for the petitioner that they are willing to settle the amount. The case was registered on 08.06.2016 and this is the third bail petition moved by the petitioner. Though the representation is that they are going to settle the amount so far, there is no identification of settling the matter.

6. Considering the grave nature of offence and the submissions made by the learned counsels, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, this Criminal Original Petition is dismissed.

-sd/-

17/09/2018

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,
CENTRAL CRIME BRANCH, TEAL NO.IV,
EGMORE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.21226/2018

Date :17/09/2018