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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7584 of 2019

N. Chandrakumar,, ... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
CBCID-OCU,
Tirunelveli District.
Cr.No.3 of 2018.

... Respondent/Complainant

For Petitioner : M/s.M.Seeni Sulthan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For anticipatory bail in cr.no.3 of 2018 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 467 and 471 of IPC in Crime No.3 of 2018, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has not altered and manipulated the percentage of the marks in the Master Card. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in the above case and hence, he prayed for grant of anticipatory bail to the petitioner.

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

4.Per contra, the learned Additional Public Prosecutor



appearing for the respondent police has submitted that the petitioner has applied B.S.M.S Course during academic year 1991-1992. The cut of mark was fixed at 199.75 to SC/ST candidates. Actually the petitioner got only 116.65 marks but he altered and manipulated the cut of marks as 216.65 and obtained B.S.M.S seat fraudulently. He further submitted that for investigation purpose, the custodial interrogation of the petitioner is absolutely necessary and hence, he strongly opposed this petition.

5.The alleged occurrence took place in the year 1992 and everything is on record. Therefore, this Court is of the view that there is no necessity to have any custodial interrogation. Further, the records are already in the possession of the respondent police. Further there is no possibility of absconding by the petitioner.

6.Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Tirunelveli, Tirunelveli District, on condition that the petitioner shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].



(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CBCID-OCU, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.SEENI SULTHAN, Advocate (SR-11746[I] dated
16/07/2019)

ORDER
IN
CRL OP(MD) No.7584 of 2019
Date :15/07/2019

vsg
AE/JC/SAR-I (19.07.2019) 3P 6C