



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

Thursday, the Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.22581 of 2018 and 1477 of 2019

PRADEEP

... PETITIONER /1st ACCUSED
IN CRL OP(MD).NO.22581 OF 2018

1.KARTHIKEYAN

2.ANDREW

...PETITIONERS/ACCUSED NO.2 & 3
IN CRL OP(MD).NO.1477 OF 2019

Vs

1.STATE THROUGH
THE ASSISTANT COMMISSIONER OF POLICE(CRIME),
CITY CRIME BRANCH, TRICHY DISTRICT.

2 THE INSPECTOR OF POLICE
CITY CRIME BRANCH POLICE STATION,
TRICHY.

... RESPONDENT / COMPLAINANT
IN CRL OP(MD).NO.22581 OF 2018

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TRICHY CITY, TRICHY.
(CRIME NO.51 OF 2018)

... RESPONDENT/COMPLAINANT
IN CRL OP(MD).NO.1477 OF 2019

For Petitioner : MR.R.MANOCHARAN Advocate
IN CRL OP(MD).NO.22581 OF 2018

: MR.A.VIGNESHWAR, Advocate
IN CRL OP(MD).NO.1477 OF 2019

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor
IN BOTH PETITIONS

For Intervenor : MR.S.RAVI, Advocate
IN CRL OP(MD).NO.22581 OF 2018



ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 I.P.C., in Crime No.51 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant's son finished +2 only with minimum marks in the year 2018. In order to fulfil his dream of studying MBBS Course, the de-facto complainant approached the accused persons for getting MBBS seat in Malaysia, for which, he paid Rs.10,00,000/- along with all original certificates to the accused persons. But, the accused neither secured a seat nor repaid the amount to the de-facto complainant. Hence, the case has been registered against them.

3.The learned counsel for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution and A1 received only Rs.5,00,000/- from the de-facto complainant and the balance amount was paid directly to the Educational Agency at Malaysia and A1 returned the original certificates to the de-facto complainant. However, on instructions, the learned counsel for the petitioners submitted that the petitioner in CrI.O.P.(MD)No.22581 of 2018/A1 is ready and willing to deposit a sum of Rs.7,00,000/- to the credit of Crime No.51 of 2018 within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his defence before the Trial Court and prayed for anticipatory bail.

4.The learned counsel appearing for the Intervenor submitted that the de-facto complainant has received the original certificates from A1 and he conceded the request made by the learned counsel for the petitioners.

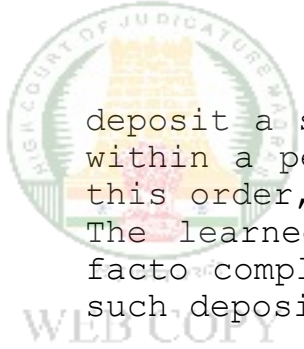
5.The learned Government Advocate (Criminal side) submitted that investigation is pending.

6.Considering the facts and circumstances of the case and also considering the above said submissions, this Court is inclined to grant anticipatory bail to the petitioners.

7.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 of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Trichy, on condition that each of them 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

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

(a) the petitioner in CrI.O.P.(MD)No.22581 of 2018/A1 shall



deposit a sum of Rs.7,00,000/- to the credit of Crime No.51 of 2018 within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his defence before the Trial Court. The learned Magistrate shall disburse the said amount to the de-facto complainant within a period of two weeks thereafter. Only on such deposit, the surety bond should be accepted;

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take 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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

sd/-
07/02/2019

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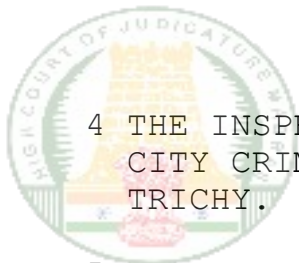
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.IV, TRICHY.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3. THE ASSISTANT COMMISSIONER OF POLICE (CRIME),
<https://hcservices.ecourts.gov.in/hcservices/>
CITY CRIME BRANCH, TRICHY DISTRICT.



4 THE INSPECTOR OF POLICE
CITY CRIME BRANCH POLICE STATION,
TRICHY.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.R.MANOCHARAN Advocate SR.No.2619
+1cc to MR.S.RAVI, Advocate in SR.No. 2714
+1cc to MR.A.VIGNESHWAR, Advocate in SR.No. 2709

ORDER
IN
CRL OP(MD) Nos.22581 of 2018 and 1477 of 2019
Date :07/02/2019

AE/VR/SAR-III/12.02.2019/4P/9C