

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.7025 of 2020

1. Devendra,
S/o. Late P.M.Krishnappa,
No.90/15, Old Temple Land Hudco,
R.K.Road, Behind Srinivasa Theatre Hosur 635 109.
Krishnagiri District.

2.Danush Kumar,
S/o. Devendran,
No.90/15, Old Temple Land Hudco,
R.K.Road, Behind Srinivasa Theatre,
Hosur 635 109.
Krishnagiri District. Petitioners

Vs.

State Rep. by
The Deputy Superintendent of Police,
OCU-II, Crime Branch CID,
Egmore, Chennai 600 007.
Cr. No.2 of 2020 Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to
enlarge the petitioner on bail pending investigation in Crime No.2 of
2020 on the file of the respondent police.

For Petitioners : Mr.V.Parthiban

For Respondent : Mr.M.Mohammed Riyaz,

Additional Public Prosecutor

O R D E R

The first petitioner for the offence punishable under Sections
419, 420, 465, 468, 471 of IPC r/w. 109 of IPC, and the second
petitioner for the offence punishable under Sections 419, 420, 465,
468, and 471 of IPC, were arrested and remanded to judicial custody
on 26.02.2020 in Crime No.2 of 2020 on the file of the respondent

2. The case of the prosecution is that the first petitioner, who is the father of the second petitioner, met one person at Bangalore and informed that his son is preparing for the NEET. The said person made-up the first petitioner to part a sum of Rs.20,00,000/- to arrange a person to write examination on behalf of his son by impersonating. The first petitioner believing the words of the said Mediator agreed to impersonate the second petitioner and made all arrangements. The second petitioner successfully came out of the NEET with high marks and joined first year MBBS in the Madras Medical College, Chennai for the academic year 2018-19. Subsequently, he was expelled from the College due to the mismatch of his identity in the NEET identity card with that of his Educational Certificates, viz., 10th standard and Plus 2. On the complaint of the Dean, Madras medical College, the petitioners were arrested and remanded to judicial custody.

3. The learned counsel for the petitioners submitted that the first petitioner, who wants his son to become a Doctor, compelled him to join the Medical College. Actually, the second petitioner wants to become an Engineer or Auditor. Only on the force of the first petitioner, the second petitioner agreed for the mistake, which was committed by his father. However, he submitted that both were arrested and remanded to judicial custody on 26.02.2020. Therefore, he sought for bail.

4. The learned Additional Public Prosecutor submitted that the petitioners are arrayed as A1 and A2. They have committed very serious offence by impersonating another person on behalf of the second accused and wrote the NEET at Bihar and obtained medical sheet in Madras Medical College, Chennai. In fact, the second petitioner does not know Hindi, however, he wrote the NEET in Hindi and obtained high marks. Therefore, they have committed very serious offence, and hence, he opposed the grant of bail to the petitioners.

5. The petitioners are arrayed as A1 and A2. Admittedly, they are father and son and at the time of the offence, the second petitioner attained majority. Though the learned counsel for the petitioners submitted that only on the insistence of the first accused, the second accused acted upon to impersonate a person to attend the Exam at Bihar, but the second petitioner was being major, he knows about the nature of the crime and its consequences. The second petitioner without knowing Hindi wrote the examination in Hindi and obtained high marks by impersonating another person. Both the accused had involved in the crime and they committed very serious offence. He not only committed offence, but also spoiled another person's life, by preventing him to study MBBS in the academic year 2018-2019. Now, the second petitioner was expelled from College and the one MBBS seat for the academic year 2018-2019 is wasted only because of the petitioner's illegal activity. It is a very serious scam and investigation is still going on. Therefore, if the petitioners are let out on bail, there is a huge chance of tampering and hampering the evidence and witness. Hence, this Court is not inclined to grant bail to the petitioners.

6. Accordingly, this petition is dismissed.

-sd/-
11/05/2020

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 DEPUTY SUPERINTENDENT OF
POLICE, OCU-II, CRIME BRANCG CID,
EGMORE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

CC to V.PARTHIBAN Advocate on payment of necessary charges

CRL OP.7025/2020

Date :11/05/2020

RD 28/05/2020

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