

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.14245 of 2020

and Crl.M.P.No.5775 of 2020

1.Venkatesaperumal @ M.P.Venkatesan

2.Prabhakaran @ Prabhu

... Petitioners

Vs.

The Union Territory of Puducherry represented by
The Station House Officer,
Thirubuvanai Police Station,
Puducherry.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to nelarge the petitioners on anticipatory bail in the event of their arrest by the respondent police in Crime No.213 of 2020 on the file of the Station House Officer, Thirubuvanai Police Station, Puducherry.

For Petitioners : Mr.V.S.Senthilkumar

For Intervenor : Mr.G.Mohammed Aseef

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 403, 417, 420, 465, 468, 506(ii), 120(B), 34 IPC in Crime No.213 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant S.Baskaran is that the petitioners posing themselves as influential persons in Congress Party; had induced the defacto complainant that they would be able to secure medical seat in Private Medical College and Jipmer and had collected an amount to the tune of Rs.36 Lakhs from the defacto complainant and thereby cheated him. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that a case of financial dispute has been falsely projected as a case of medical seat racket. He would submit that the case has been registered only pursuant to the direction from this Court. He would submit that the occurrence relates to the year 2015-2016. He would further submit that the grave delay in the complaint would show that it is a foisted complaint and that even as per the complaint, the petitioners had not induced the defacto complainant whereas the defacto complainant himself is stated to have approached the petitioners. He would further submit that without prejudice to their contention, they are prepared to deposit the original title deed of immovable property worth more than Rs.30 lakhs belonging to one Tamilarasi, in Doc.No.788 of 2002 to the credit of Crime No.213 of 2020. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor(Puducherry) would vehemently oppose the petition stating that the petitioners claiming themselves as influential persons had received an amount of Rs.36 lakhs for obtaining medical seat for the son of the defacto complainant and thereafter they cheated him. He further submitted that the case has been registered pursuant to the direction from this Court under section 156(3) Cr.P.C.

5. The learned counsel appearing for the Intervenor/defacto complainant would vehemently oppose the petition stating that the petitioners who are the office bearers in the ruling party had induced the defacto complainant for obtaining medical seat and had received an amount of Rs.36 lakhs and thereby cheated him. He would submit that since the respondent police did not take action and the defacto complainant was constrained to get a direction from this Court.

6. Taking into consideration the facts and submissions of the learned Counsels and that the petitioners are prepared to deposit the original title deeds of the property, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7. Accordingly, the petitioners shall deposit the original title deeds of the property belonging to their relative Tamilarasi in Doc.No.788 of 2002 along with valuation certificate issued by the concerned revenue authorities to the credit of Crime Nos.213 of 2020, within a period of two weeks from the date on which the order copy made ready, and on such deposit, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of this order is made ready, the petitioners shall execute a separate 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 Judicial Magistrate-IV, Puducherry, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[b] the petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter on every Monday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

06/10/2020

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 JUDICIAL MAGISTRATE,
NO.IV, PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
PUDUCHERRY.

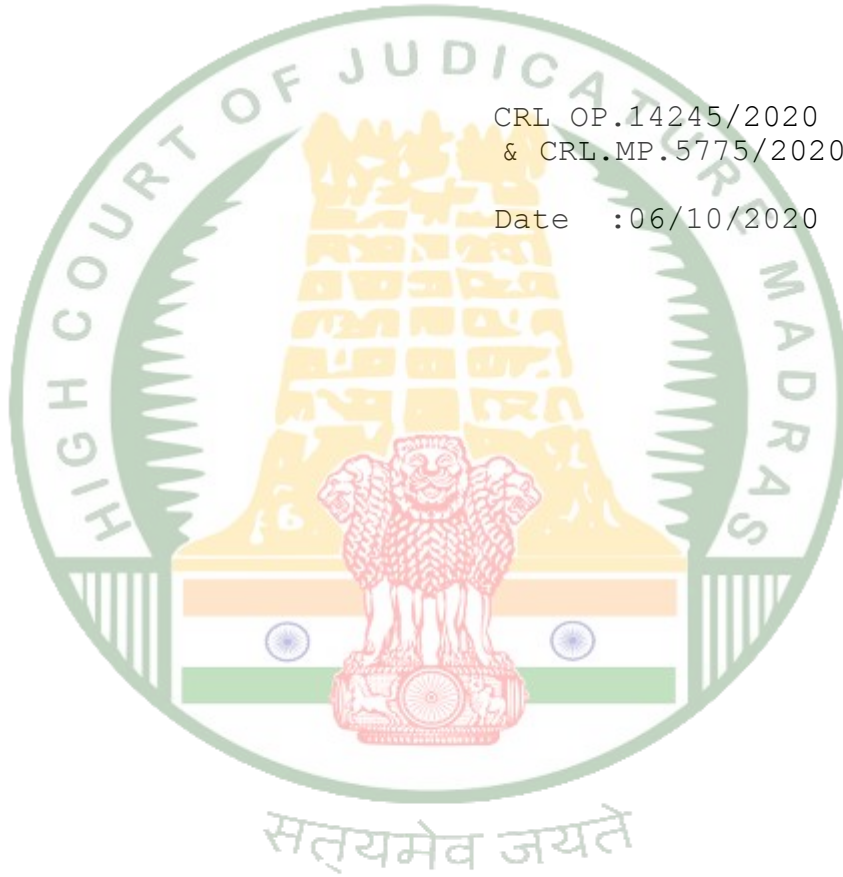
4 THE UNION TERRITORY OF PUDUCHERRY REP BY,
THE STATION HOUSE OFFICER,
THIRUBUVANAI POLICE STATION,
PUDUCHERRY.

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

CRL OP.14245/2020
& CRL.MP.5775/2020

Date :06/10/2020

cs 13/10/2020



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