

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.19701 of 2020

Jayapandi

... Petitioner

Vs.

State represented by Respondent
The Inspector of Police
K-8, Arumbakkam Police Station,
(Crime No.171 of 2018)

Common Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail in Crime No.171 of 2018 on the file of the respondent police.

For Petitioner : Mr.K.Gandhikumar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 16.10.2020 for the offence punishable under Sections 465, 466, 471, 474, 484 of IPC in Crime No.171 of 2018, seeks bail.

2. The case of the prosecution as per the *de facto* complainant/Registrar, Tamil Nadu Medical Council is that the petitioner produced fake and bogus educational qualification certificate to register him before Medical Council for permanent registration. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner himself is the victim and he was cheated by one Selvaraj and others, who had run a fake university. He would submit that the petitioner, believing that the certificates issued by other culprits, had

voluntarily approached the Madurai Bench of this Court in WP.(MD). No.6872 of 2020 seeking to take action against the persons, who had run the fake university, where as on the directions of this Court, a case was registered and the petitioner was also arrested. He would submit that the entire case of the prosecution is borne out by documents and the alleged documents, which the petitioner furnished for getting registration before the Medical Council, are now under the custody of the respondent police. He would further submit that the petitioner was arrested on 16.10.2020 and he is in custody for 55 days and hence, he prays for grant of bail to the petitioner.

1. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose the grant of bail stating that the petitioner, who is not a qualified person, has filed bogus educational qualification certificate as if he has completed M.B.B.S Course and applied for registration before the Medical Council. He would further submit that during the course of investigation, it was found that the petitioner had produced fake documents for registration before the Medical Council. However, he would submit that the documents submitted by the petitioner are now under the custody of the respondent police. He would submit that the investigation is still pending. Hence, he opposed for grant of bail to the petitioner.

2.

5. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and that the entire case of the prosecution is borne out by documents and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Metropolitan Magistrate No.V, Egmore, Chennai-8, and on further conditions that;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police everyday at 10.30 a.m. until further orders;

(d) the petitioner shall not commit any offences of similar nature;

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

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

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

-sd/-

11/12/2020

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 METROPOLITAN MAGISTRATE,
NO.V, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-8, ARUMBAKKAM POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S.K.GANDHIKUMAR Advocate on payment of necessary charges SR.NO.8133

CRL OP.19701/2020

Date :11/12/2020

TA-14/12/2020