



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

Date : 12/10/2020

PRESENT

WEB COPY

The Hon'ble Mr. Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10978 of 2020

U.P.Rasheed

... Petitioner/Accused
(Rank not known)

Vs

State By: Inspector of Police,
Crime Branch CID-South,
Theni, Theni District.
(Crime No.1 of 2019)

... Respondent/Complainant

For Petitioner : Mr.Sridharan, for
M/s.A.Thiruvadi Kumar, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

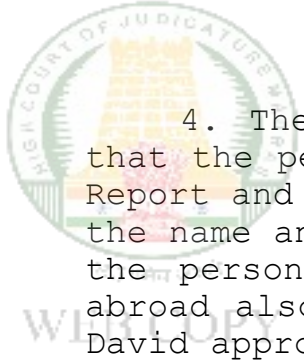
PRAYER :- For Anticipatory Bail in Crime No.1 of 2019 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A-1 apprehending arrest at the hands of the respondent police for the offences punishable under sections 419, 420 & 120b of I.P.C., in Crime No.1 of 2019 on the file of the respondent police, seeks anticipatory bail.

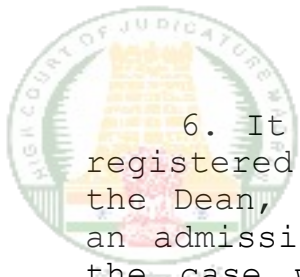
2. The case of the prosecution is that one Udit Surya got admission in Theni Government Medical College by impersonation. Initially the case was registered in Crime No.196 of 2019 for the offences under Section 120B, 419 & 420 of IPC. Later, investigation has been transferred to CBCID, Theni and renumbered as Crime No.1 of 2019. Further, investigation revealed that the said Udit Surya and his father contacted one Mohammed Shaffi and got introduced with the petitioner herein. The petitioner has arranged for impersonation to write NEET exam. The said Udit Surya appeared at Chennai Centre and obtained 135 marks by his impersonator got 385 marks. Later, he used the marks obtained by the impersonator to get medical seat in the Theni Government Medical College. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.
<https://hcservices.ecourts.gov.in/hcservices/>



4. The learned counsel appearing for the petitioner submitted that the petitioner is not a named accused in the First Information Report and he is being a share agent, having an Education Academy in the name and style of 'Hindustan Academy'. He used to facilitate for the person who wants to peruse the study in an around even and abroad also. While being so, in the year 2019, one Vedhachalam and David approached him through one Dr.Safi stating that their children were perusing there MBBS Course in Priest Medical College. Subsequently, recognition of the said college was cancelled, therefore, the petitioner was requested to facilitate their sons in any Private Medical College. He further submitted that the petitioner informed them that there will be two counselling and after that if any seats are available in the management quota he will facilitate the seats under the Management quota. While being so, the said Udit Surya enquired about the availability of seat with the petitioner. Therefore, the petitioner had no role with the malpractices done by Dr.Venkatesan, Safi, David and Vedhachalam and he has nothing to do with the allegations as alleged by the prosecution. Infact, he is ready and willing to appear before the respondent police and also ready to furnish more details. Hence, he seeks anticipatory bail.

5. Per contra, the learned Government Advocate (criminal side) filed a counter and submitted that the petitioner is a master brain behind the entire NEET impersonation exam held in the year 2019 and the petitioner has arranged impersonators for the students who approached him to write NEET examination for getting medical seats. He further submitted that he will arrange bright students and applied for entrance examination in various centres all over India and used their marks for the students who approached him by way of impersonation to get medical seats and after NEET examination for medical seats in India there is no management quota and all the students are admitted only through NEET examination only on the NEET score. The government and private colleges in Tamil Nadu medical seats are filled only through Directorate of Medical Education, Kilpauk, Chennai based on the NEET score. He further submitted that sofar as they implicated 16 accused including the students and students who got medical seats by impersonation. He further submitted that he only arranged impersonators to writ NEET examination on behalf of the students. The petitioner have met all the accused persons at Bangalore and received a sum of Rs.1,47,00,00/-from all the students to impersonate them by other impersonators to writ NEET examination. He further submitted that the petitioner was born at Kerala and permanently settled at Bangalore and he had two AADHAR cards and his residential address are difference one. Infact, the address given at Bangalore house is locked for the past one year and the investigation further revealed that the petitioner used to stay in hotels in Chennai and therefore, his custodial interrogation is very much required in this case. He strongly opposed to grant anticipatory bail.



6. It is a case of NEET impersonation. The case was initially registered by the Inspector of Police based on a complaint lodged by the Dean, Medical College and Hospital that one Udit Surya was got an admission in the Medical College by impersonation and initially the case was registered by the Inspector of Police, Ka. Vilakku Police station, Theni district. Thereafter, the entire investigation has been transferred on the file of the respondent police and further investigation revealed that the petitioner is a master brain behind the entire crime. He used the impersonators for the students who approached him to write NEET examination on behalf of them. Accordingly, he arranged the bright students to write the entrance examination on behalf of other students. Later, the marks scored by the impersonators will be used by these students to get medical seats in various medical colleges. Now investigation in progress. The investigation further revealed that so far the petitioner revealed from the confession statement of other accused persons so far the petitioner received a sum of Rs.147,00,00/- from so many students for impersonation. Therefore, the petitioner is a main accused in the crime and his custodial interrogation is very much required in this case. Therefore, this Court is not inclined to grant anticipatory bail.

7. Accordingly, the Criminal Original Petition stands dismissed.

sd/-

12/10/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE INSPECTOR OF POLICE,
CRIME BRANCH CID-SOUTH,
THENI, THENI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.10978 of 2020
Date :12/10/2020