



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2020

PRESENT

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

CRL OP(MD). No.13657 of 2020

Thirilogachander @ Thirilogasundar ... Petitioner/Accused-2

Vs

The State rep. by
The Inspector of Police,
City Crime Branch(CCB),
Madurai City,
Madurai District.
(Crime No.12 of 2020).

... Respondent/Complainant

1. SREENIVASAN
2. PITCHAI RAJA
3. RAMKUMAR

...Petitioners/Interveners/
Defacto Complainant
(in CRL MP(MD) No.6374/2020
in CRL OP(MD)No.13657/2020)

For Petitioner : M/s.D.Balmurugapandi,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

For Interveners: Mr.R.Gandhi, Advocate

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

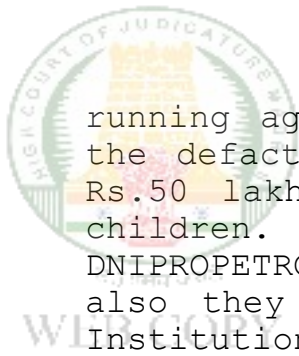
PRAYER :-

For Anticipatory bail in Crime No. 12 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120 (b), 406, 465, 468 and 420 of IPC seeks anticipatory bail.

<https://hcservices.courts.gov.in/hcservices/> 2. The case of the prosecution is that the first accused is



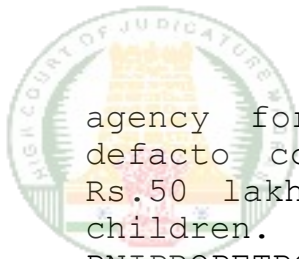
running agency for Medical Course Admission in abroad. Therefore, the defacto complainant and other two victims have paid a sum of Rs.50 lakhs in the year 2016 to obtain Medical Seats for their children. Accordingly, the first accused obtained seat in DNIPROPETROVSK STATE MEDICAL ACADEMY, Ukraine in the year 2016 and also they got admission. Subsequently, they found that the said Institution situated in Ukraine is not recognised by the Medical Council of India. Therefore, the defacto complainant's son could not able to complete the course. Thereby, the accused persons have cheated the defacto complainant to the tune of Rs.50 lakhs. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

4.The learned counsel appearing for the petitioner submitted that the petitioner is also one of the doctor, who completed his medical course at Lugansk State Medical University, Ukraine. The defacto complainant's children were admitted in the said university and they failed to complete the 2nd year course and also 3rd year course. They loss their opportunity to complete their arrear exams. Therefore, without completing their examinations, they could not complete their course. In fact, the petitioner's own sister studied in the said Institution. She also completed her medical course. Therefore, the petitioner is nothing to do with the allegations as alleged by the prosecution. However, to show his bonafide, he is ready and willing to pay the amount alleged in the FIR. Hence, he seeks anticipatory bail to the petitioner.

5.Per contra, the learned counsel appearing on behalf of the defacto complainant/Intervener would submit that the petitioner/A2 along with other accused persons cheated the defacto complainant and other victims. The petitioner is the main person to the first accused since he was working as an the administration of Academy. On the false representation and also assurance given by the first accused, the defacto complainant and other two victims have paid a sum of Rs.50 lakhs in total for getting medical seat in the year 2016. Thereafter, the defacto complainant came to understand that they are running the medical colleges like cottage industries and money is the only criteria where any number of certificates can be obtained in Ukrine. The accused persons frudulently obtained medical degree certificates and which is not approved by the Medical council of India. Though, they completed the medical course in Ukraine, they cannot practise in India. He further submitted that only because of the accused persons, now the victims lost their three years period of time and also lost their harden money. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6.The learned Government Advocate (Criminal Side) appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent submitted that the first accused is running



agency for Medical Course Admission in abroad. Therefore, the defacto complainant and other two victims have paid a sum of Rs.50 lakhs in the year 2016 to obtain medical seats for their children. Accordingly, the first accused obtained seat in DNIPROPETROVSK STATE MEDICAL ACADEMY, Ukraine in the year 2016 and also they got admission. Subsequently, they found that the said institution situated in Ukraine is not recognised by the University of India. Therefore, he could not able to complete their course. Thereby, the accused persons have cheted the defacto complainant to the tune of Rs.50 lakhs. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

7.It is seen that there are totally four accused. The petitioner is arrayed as second accused. All the accused persons collected money from the defacto complainant and other two victims to obtain medical seat at Ukraine. Accordingly in the year 2016, they also join at Ukraine. After a period of three years, they came to understand, the university, which they stated is not recognised by the Medical council of India. According to the petitioner, the victims failed to complete their examinations in the 2nd and 3rd year and also as such, they were not permitted to continue their course. However, on various occasions, all the victims paid a sum of Rs.50 lakhs in the year 2016. Now, they lodged complaint that the institution at Ukraine is not approved by the Medical Council of India. As far as the first accused is concerned, he was arrested and subsequently released on bail. As far as the petitioner is concerned, now he is ready and willing to deposit a sum amount to show his bonafide.

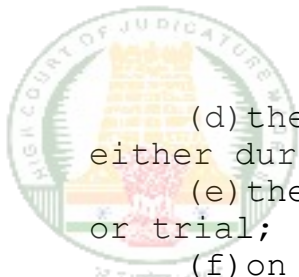
8.Considering the above submission, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate-1, Madurai, Madurai District, on condition that the petitioner 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner 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 petitioner is directed to deposit a sum of Rs.6,00,000/- (Rupees Six Lakhs Only), to the credit of Crime No.12 of 2020 on the file of the respondent police within a period of two weeks.

(c)the petitioner shall report before the respondent police daily 10.30 a.m for a period of three weeks and thereafter, as and



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

(e)the petitioner 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 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 556]***; and;

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

sd/-

01/12/2020

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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 JUDICIAL MAGISTRATE-1,
MADURAI, MADURAI DISTRICT.
2. -DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH(CCB),
MADURAI CITY, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1CC to M/s.D.BALAMURUGAPANDI,Advocate (SR-7802[I] dated 01/12/2020)

ORDER IN

CRL OP(MD) No.13657 of 2020

Date :01/12/2020

DSS

SRS/JC/SAR-III/07.12.2020/4P/6C

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