

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1432 of 2021

1. N.B. Deeksha ... Petitioner
2. Dr.N.K.Balachandran

Vs.

The State Rep. by
The Inspector of Police,
G-2, Periamet Police Station,
Chennai 600 003.
(Crime No. 773 of 2020) Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.773 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.S.D.Venkateswaran

For Respondent : Mr.M. Prabavathy,
APP

ORDER

(The case has been heard through video conference)

Petitioners, who were arrested and remanded to judicial custody on 18.01.2021 and 01.01.2021 respectively, for the offences punishable under Sections 419, 464, 465, 468, 471 & 420 IPC in Crime No.773 of 2020 and seeks bail.

2. The case of the prosecution is that, the first petitioner has manipulated the NEET uploaded score card, and tried to get admission in Under Graduate Medical Course. The further allegation is that the first petitioner has scored 27 marks in NEET UG-2020, but the petitioners have uploaded a score card with 610 marks, thereby manipulated the provisional rank list. On verification it is found that both the petitioners have manipulated forged rank list and thereby, tried to get admission. Hence, a case has been registered against the petitioners.

3. The learned counsel for the petitioners would submit that they have not indulged in any activities as alleged by the prosecution and they are ready to co-operate with the investigation. The first petitioner is 18 years old girl and the

second petitioner, who is the father of the first petitioner was in jail for more than one month . He would further submit that custodial interrogation is also over and all the witnesses are official witnesses and there is no chance for tampering the witnesses and hence, he seeks bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that both the petitioners have manipulated the NEET Score Card and thereby tried to get admission for the Medical Course. She would further submit that custodial interrogation of the petitioners are also over. However, she opposed to grant bail to the petitioners.

5. Considering the said facts and circumstances of the case and the fact that custodial interrogation is over, and all the documents have been recovered, and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned II Metropolitan Magistrate, Egmore, Chennai 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 second petitioner shall report before the respondent police daily at 10.30 a.m. until further orders and the first petitioner shall report before the respondent police as and when required for interrogation.

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

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

(f) the petitioners 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 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];

(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/-
02/02/2021

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 II METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
G-2, PERIAMET POLICE STATION,
CHENNAI-600 003.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

6 THE OFFICER INCHARGE
SUB-JAIL, SAIDAPET, CHENNAI.

+1 CC to M/S.S.D.VENKATESWARAN Advocate on payment of
necessary charges SR.NO.1012

CRL OP.1432/2021

Date :02/02/2021

TA-03/02/2021