



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.11126 of 2021

Saravanan

... Petitioner

Versus

State Rep. by
The Inspector of Police,
Thiruppathur Town Police Station,
Vellore District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent Police in Crime No.9 of 2021 on the file of the respondent Police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 120(b), 417, 420 & 506(ii) IPC in Cr.No.9 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 is a Homeopathic by profession and A2 and A3 were in the A1's hospital. The defacto complainant approached A1 to get medical seat for her daughter. For which, the petitioner herein demanded a sum of Rs.35,00,000/- for securing MBBS seat. Accepting the same, she paid a sum of Rs.27,00,000/- to A1 and gave an undertaking that the balance amount will be repaid after getting MBBS seat and the same was accepted by them. Thereafter, when the defacto complainant and her husband asked about the medical seat of their daughter, they were not given proper reply and thereby they understood that the accused persons had defrauded them for money. Hence, the defacto complainant lodged a police complaint against the accused persons.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner. However, the learned counsel on instructions from the petitioner submitted that the petitioner, on his own volition, is ready and willing to deposit a sum of Rs.7,00,000/- each to the



4.The learned Government Advocate (Crl.Side) submits that the defacto complainant is duped of Rs.27,00,000/- by the accused persons on the pretext of getting medical seat. However, there is no previous case pending against the petitioner .

5. Considering the facts and circumstances of the case and based on the undertaking of the petitioner to deposit the amount, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Thiruppathur, 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall make deposit of Rs.7,00,000/- (Rupees Seven Lakhs only) each to the credit of the defacto complainant, within a period of four weeks from the date of receipt of a copy of this order, without prejudice to their defence before the trial Court, after obtaining undertaking from the defacto complainant that if the petitioner succeed in the case, the said amount would be refunded back to them. The concerned Magistrate, shall accept the sureties furnished by the petitioner on such deposit being made and proof filed by the petitioner ;

(c)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

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

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

(g)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 5560]; and;



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

WEB COPY

-sd/-
30/06/2021

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 JUDICIAL MAGISTRATE,
NO.I, THIRUPPATURE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THIRUPPATHUR TOWN POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.11126/2021

Date :30/06/2021

JPA 20/07/2021