



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.07.2021

CORAM :

THE HON'BLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.11272 of 2021

Vithya

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Thiruppathur Town Police Station,
Vellore District.
(Crime No.9 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.9 of 2021 on the file of the Respondent Police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. side)

ORDER

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

2.The case of the prosecution is that the petitioner along with other accused persons received a sum of Rs.35 Lakhs for securing MBBS Seat for the defacto complainant's daughter. When the defacto complainant enquired about the seat, the accused persons have not given proper reply and also refused to return the amount. Based on the complaint, the respondent police has registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and she has nothing to do with the alleged offence and co-accused (A4) has also released on bail by this Court. However, on instructions, the petitioner is ready to deposit a sum of Rs.3,00,000/- within a period of two weeks in favour of the defacto complainant. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate submitted that the petitioner along with other accused have cheated the defacto complainant for a sum of Rs.35 Lakhs for obtaining a medical seat for his daughter. However, he fairly concedes that co-accused has already been granted bail by this Court with a direction directing to pay a sum of Rs.7,00,000/- to the defacto complainant.

5. Taking into consideration the fact that the petitioner is ready to pay Rs.3/- lakhs and further the fact that co-accused (A4) has already been granted bail by this Court, I am inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the Judicial Magistrate-I, Thiruppathur within a period of four weeks from the date of receipt of a copy of this order and on further condition that:

(a) the petitioner shall pay a sum of **Rs.3,00,000/- (Rupees Three Lakhs only)** by way of cash/ demand draft to the credit of Crime No.9 of 2021, before the learned Judicial Magistrate No.I, Thiruppathur without prejudice to her defence before the trial Court within a period of two weeks from the date of receipt of copy of this order and the learned Judicial Magistrate, after perusing the Demand Draft, shall accept the sureties furnished by the petitioner. Thereafter, the learned Judicial Magistrate is directed to disburse the amount to the defacto complainant on filing an appropriate undertaking affidavit before the trial Court.

(b) 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;

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

(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



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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;

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

-sd/-
01/07/2021

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, THIRUPPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

CRL OP.11272/2021

Date :01/07/2021

TA-29/07/2021