



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1931 of 2021

Saminathan

... Petitioner/Accused

Vs

The State rep.by,
The Inspector of Police,
Thanjavur Police Station,
Thanjavur District.
(Crime No.1526/2020).

... Respondent/Complainant

For Petitioner : M/s.Durai Pandian.K.S,
Advocate.

For Respondent : Mr.A.P.G. OHM CHAIRMA PRABHU,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1526/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) of IPC, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner runs a tutorial centre in the name and style of STC Tutorial College. The de-facto complainant's son joined 10th standard in the said centre and at the time of examination, the de-facto complainant's son had not attained the age of 16, hence, he was not able to write the exams, whereas the petitioner sent him for examination in the Jharkhand Open School and issued a certificate and in turn, the de-facto complainant approached in ITI Centre for admission and



produced the said certificate. But the centre returned the certificate to the de-facto complainant's son stating that the said certificate is not a valid one. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that totally there are two accused in this case and the investigation is pending.

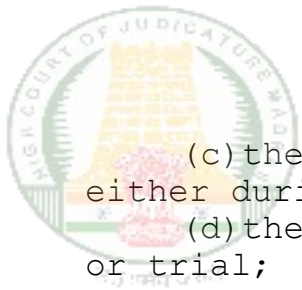
5.It is seen that totally there are two accused in this case. The petitioner is running STC Tutorial College at Thiruvaiyaru. The de-facto complainant's son had joined his tutorial for 10th examination, since the de-facto complainant's son was under aged, he was not qualified to appear for 10th examination. Thereafter, the petitioner had introduced the second accused, who is running a Xerox Job in the same complex. The de-facto complainant had approached A-2 and she made in the admission for his son at Jarkhand State Open School and the de-facto complainant son had also qualified in the exam with the certificate of Jarkhand State Open School, he had applied for ITI in Thanjavur, where the de-facto complainant's son was initially given admission and on scrutiny of certificate has found that the mark sheet was not recognized and acknowledged by the District Educational Officer. Hence, the de-facto complainant's son was sent out from the ITI. Since the mark sheet was not recognised, the present complaint has been lodged against the petitioner.

6.Considering the same, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvaiyaru, 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 shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as



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

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

WEB COPY (e)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;

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

sd/-

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

SJI

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,
THIRUVAIYARU.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
THANJAVUR POLICE STATION, THANJAVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.1931 of 2021

Date :09/03/2021

NR/VR/SAR-II(15.03.2021) 3P:5C

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