



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date :01.11.2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP (MD).No.13584 of 2021

E.Madhavan,

... Petitioner/Accused

Vs.

State Through
The Inspector of Police,
CBCID Wing,
Theni.
(Cr.No.1 of 2019)

... Respondent/Complainant

For Petitioner : Mr.P.H.Manoj Pandian
Advocate.

For Respondent : Mr.T.SenthilKumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory bail in Cr.No.1 of 2019 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 alleged offence punishable under Sections 120(b), 419, 420 IPC, in Crime No.01 of 2019 on the file of the Inspector of Police, CBCID, Theni District, seeks anticipatory bail.

2.The case was originally registered by the G.Vilaku Police station, based on the complaint of the Dean, Theni Medical College in Cr.No.196 of 2019 on 18.09.2018 for the offence under Sections 120(b), 419, 420 IPC. Pursuant to the order of the Director General of Police, Crime Branch C.I.D., the case has been transferred from the file of the G.Vilakku Police Station to C.B.C.I.D, Theni, on 25.09.2021 and the same was renumbered as Cr.No.01 of 2019.

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

3.The case of the prosecution is that the petitioner's son impersonated by engaging a proxy to write NEET examination with the



help of the petitioner for securing a medical seat in a reputed institution.

4.The learned counsel for the petitioner submitted that he is not an educated man and he is not aware of anything about the NEET examination and he is no way connected with the offence. If at all anything has taken place, all his affairs are dealt with by his Manager namely Thangadurai. He further submitted that the occurrence was taken place in the year 2019 and so far 14 persons have been arrayed as accused and all other accused were arrested and enlarged on bail and this petitioner is also ready to co-operate with the investigation.

5.Considering the said representation made on behalf of the petitioner, this Court, by earlier order dated 16.09.2021, granted interim anticipatory bail to the petitioner, enabling him to appear before the respondent police and directed the respondent police to file a report before this Court. As per direction of this Court, the respondent police filed a report that the petitioner did not co-operate for the interrogation. However, the petitioner claimed that one Manokaran approached him and assured him to get M.B.B.S. seat for his son and he gave money to the said Manokaran.

6.The learned Additional Public Prosecutor appearing for the respondent police submits that this petitioner knows everything and purposefully he is avoiding certain informations with regard to the relationship of Thangadurai and Rasheed. The Investigating Agency has also issued summon to Thangadurai, the Manager of the petitioner for interrogation and this petitioner assured that the said Thangadurai will appear for interrogation on 22.09.2021 and 27.09.2021. But he did not appear as assured by him.

7.The learned counsel for the petitioner submitted that it is not correct that the petitioner has not co-operated for enquiry. He has furnished all the details known to him to the Investigation Agency and also ready to co-operate for further investigation. His Manager Thangadurai is now suffering with Covid-19 and taking treatment in his residence. Hence, he could not appear before the Investigating Agency on 22.09.2021 and 27.09.2021. However, if some time is granted, he will arrange for appearance of the Manager namely Thangadurai.

8.Considering the said request of the petitioner, this Court extended the interim order and directed the petitioner to co-operate for enquiry and post this matter on 29.10.2021.

9.When the matter is taken up for hearing today, the learned counsel for the petitioner submitted that the Thangadurai, the Manager of the petitioner has appeared before the respondent police and also co-operated for investigation.

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

10.Considering the facts and circumstances of the case, the nature of allegations made against the petitioner and this



petitioner's subsequent conduct in appearing before the respondent police and co-operating for the enquiry and that apart from the petitioner, his Manager has also appeared before the respondent police and co-operated for the enquiry, this Court is inclined to grant anticipatory bail to the petitioner.

WEB COPY

11. Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity;

[b] the petitioner shall report before respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsd

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,
THENI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3. THE INSPECTOR OF POLICE,
CBCID WING, THENI.

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

+1 CC to M/s.P.H.MANOJ PANDIAN, Advocate (SR-7745[I] dated
01/11/2021)

ORDER

IN

CRL OP (MD) No.13584 of 2021

Date : 01/11/2021

SB/PN/SAR-II/15.11.2021/4P/6C