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CrI.O.P.No.16833 of 2023

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Reserved On	05.09.2023
Pronounced On	12.09.2023

RMT.TEEKAA RAMAN, J.

It is a case of foreign country medical seat fraud. The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences under **Sections 120B, 417, 420 and 506(1) of IPC in Crime No.23 of 2019** on the file of the respondent police, seeks anticipatory bail.

2. The petitioner is arrayed as A2. The case of the prosecution in brief is that the son of the *de-facto* complainant was approached by the parents of the petitioner herein stating that petitioner (A2) is studying medical course in a foreign University Viz., Bogomolet College at Ukraine and received a sum of Rs.7,55,000/- for securing MBBS seat in the foreign country. After *de-facto* complainant's son Kaviarasu went there, he was offered a literature course, which is equivalent to the B.A. Literature course in



India and hence, on return, as the petitioner refused to repay the amount nor got a medical seat to the *de-facto* complainant's son, the complaint has been filed.

3. The learned counsel for the petitioner submitted that petitioner completed his medicine degree and working as a Doctor in a private hospital at New Delhi. The entire occurrence has taken place in the year 2018 and the FIR is registered in the year 2019.

4. When the matter came up for hearing on 07.08.2013, this Court has directed the investigation officer about the complainant's version.

5. In the typed set of papers, the 2nd accused has filed an invitation for studying which has been issued to the *de-facto* complainant's son Kaviarasu and according to the accused/petitioner, *de-facto* complainant's son got a medical seat in Bogomolets National Medical University and he has also remitted the fees. However, from the version as placed by the *de-facto* complainant, the course was not MBBS, but it was some bachelor degree in literature course.



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6. On 16.08.2023, the learned government Advocate (Crl.side) stated that, in respect of the notice issued under Section 41-A Cr.P.C., petitioner has not appeared and hence, an interim protection was given to the petitioner herein and directed him to appear before the respondent police to place his matter as to whether he had secured the seat as promised and remitted the fees as stated in the petition.

7. Today, when the matter is called up, the learned Government Advocate (Crl.side) stated that the petitioner has not attended the enquiry nor appeared before the respondent police as directed by this Court on 16.08.2023.

8. After perusal of the typed set of papers and also the documents placed before this Court, I find that, on promise to get a medical seat in foreign university at Ukraine, the petitioner and his parents have taken a sum of Rs.7,55,000/- and failed to get the medical seat nor even returned the amount. The matter is under investigation and also, despite an interim protection being given by this Court, the petitioner has not cooperated for the investigation.



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As he had failed to turn up for the notice issued under Section 41-A of Cr.P.C., in spite of an order of this Court, I am not inclined to grant anticipatory bail to the petitioner.

9. Accordingly, this Criminal Original Petition is dismissed.

**12.09.2023
(1/2)**

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