



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2023

CORAM:

THE HON'BLE **Dr. JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.18501 of 2023

Anand Joseph

.. Petitioner/Accused 2

Vs.

State rep. by
The Inspector of Police,
Chrompet Police Station,
Chrompet, Chennai – 600 044.
Crime No. 228 /2023.

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarging the petitioner/accused on bail in Crime No.228 of 2023 pending investigation on the file of the respondent police, Chrompet Police Station.

For Petitioner : Mr.Kumar Talreja

For Respondent : Mr.S.RajaKumar
Government Advocate (Crl.Side)

For Intervenor : Mr.R.Surya Prakash



ORDER

The petitioner, who was arrested for the alleged offences under Sections 406 & 420 IPC, in Crime No.228 of 2023, on the file of the respondent police, seeks bail.

2. According to the First Information Report, the petitioner and his wife, with a promise of securing medical seat, have cheated the defacto complainant and collected Rs. 66,00,000, out of which, Rs. 15,00,000 was returned.

3. This petitioner was arrested on 17.07.2023, seeks bail stating that even according to the complainant, money was collected only by his wife and not by him. Further, money was collected only for providing coaching for NEET exam and not for getting seat in Medical College.

4. The defacto complainant through his counsel intervene that the money given to the petitioner is not yet recovered.



5. This Court cannot be used as a tool to recover the money transacted in a illegal contract. A person who had resorted to get medical seat through illegal means cannot be extended legal assistance for recovery of money. The perpetrator of crime to be tried in the manner known to law. Keeping a person under custody for recovery of money transferred during illegal agreement is anti to law.

(a) the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with two sureties, each for a like sum, to the satisfaction of the learned **Judicial Magistrate, Pallavaram;**

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) **the petitioner is directed to report before the respondent police as and when required;**

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

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



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(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

14.08.2023

ns1/rpl

To

1.The Judicial Magistrate, Pallavaram.

2.The Inspector of Police,
Chrompet Police Station,
Chrompet, Chennai – 600 044.

3.The Superintendent,
Central Prison
Puzhal, Chennai.

4.The Public Prosecutor,
High Court, Madras.

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Dr.G.JAYACHANDRAN, J.

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