



**Crl. O.P. No.18801 of 2024**

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**P. DHANABAL.J.,**

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The petitioner / Accused Nos.1 & 2, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 420 r/w 34 of IPC in connection with the Cr. No.11 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant had joined the course of B.Sc Hotel Management and Catering Science at Jeppiar Institute of Hotel Management Institution, Puducherry and it was run in the name of Saara Paul Educational Trust and he had paid Rs.13,000/- as admission fee, that when the defacto complainant requested the institution to issue study certificate and fee structure receipt for the purpose of educational loan, it was stated that they have not obtained permission for issuing the same and on enquiry, it was found that the institution run by the accused is fake and it was running without permission of Alagappa University and the Jeppiar College in Chennai also informed that the institute run by the accused is no way connected with Jeppiar College. Hence the case.

3. The learned counsel for the petitioners would contend that these petitioners have been falsely implicated in this case for the offence under



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Sections 420 r/w 34 of IPC, that the petitioners are the Trustees in Saara

Paul Educational Trust, Puducherry and started the said institute for

Catering and Hospitality Management under the name and style of Jeppiar

Institute of Hotel Management, that the educational institution has applied

for affiliation with Alagappa University and also received application form

on 21.04.2022 and payment of Rs.5,000/- was also paid and thereafter,

they started its admissions on 17.04.2023 based on the affiliation

application and collected a sum of Rs.48,000/- from 4 students and the

defacto complainant is one of the 4 students, that due to some

misunderstanding between the Trustees in respect of administration,

resulted in complaint before the respondent police by the defacto

complainant, in fact, the petitioners have no any malafide intention of

cheating, that they are ready to settle the amount received from the defacto

complainant and they are ready to abide by any condition imposed by this

Court and hence prayed for the grant of anticipatory bail to the petitioners.

4. The learned counsel appearing for the intervenor / defacto complainant would submit that the defacto complainant has joined the course of B.Sc hotel management and Catering Science at Jeppiar Institute of Hotel Management Institution, which was managed by both of the



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accused, that the defacto complainant paid a sum of Rs.13,000/- for admission fee and when the defacto complainant requested the institution to issue study certificate and fee structure receipt for the purpose of educational loan, he came to know that the institution is fake and was running without proper permission of Alagappa University and thereafter, it came to know that the Jeppiar College in Chennai is no way connected with this institution, that both the accused have already committed financial crimes with the connivance of the bank officials and FIR was also registered in Cr. No.72 of 2023 as against the petitioners/accused, that already these petitioners moved an application for bail and the same dismissed, that investigation is also pending and hence prayed to dismiss the petition.

5. The learned Government Advocate (Criminal Side) would submit that these petitioners without getting permission from the Alagappa University started admission of students for the year 2023 and obtained Rs.48,000/- from 4 students, thereby cheated the students, that investigation is not yet completed and hence strongly opposed to grant anticipatory bail to the petitioners.



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6. Heard both sides and perused the materials available on record.

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7. Considering the rival submissions on either side, considering the nature of offences and already material part of the investigation was over and also FIR is registered in the year 2023, that the petitioners are ready to repay the said amount to the defacto complainant and others, who paid the fee, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Chief Judicial Magistrate Court, Puducherry** on condition that the petitioners shall each 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 learned Magistrate concerned and on further condition that:

**[a] the petitioners shall report before the respondent police on daily at 10 a.m. until further orders;**



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[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 269 B.N.S.2023.

30.09.2024



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To

- 1.The Chief Judicial Magistrate Court, Puducherry
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, CBCID Police Station, Puducherry.

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