



Crl. O.P. No.19218 of 2024

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WEB C P.DHANABAL.J.,

The petitioner apprehends arrest for the alleged offence under Sections 406 and 420 of IPC in Crime No.270 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Chairman of Sri Lakshmi Medical Centre and Hospital, Coimbatore. He is also the chairman of Lakshmi Duraiswamy Charitable Trust and the said Trust is running Sri Lakshmi College of Nursing and Sri Lakshmi College of Physiotherapy and the defacto complainant is also the Principal / Chairman of the College of Dr. Suresh Kumar Allied Health Science at Thudiyalur. In the month of November 2022, the defacto complainant made an application to the Government of Tamil Nadu for sanctioning a college of Allied Science in the name of 'Sri Lakshmi College of Allied Health Science' and 'Sri Lakshmi College of Pharmacy at Thudiyalur' to run two courses namely B.Pharm and D.Pharm. In the month of March and April 2023, inspections were done and the defacto complainant had also deposited the sanctioning amount prescribed by the Government. When the above matter is under process, the petitioner told the defacto



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complainant that he had close friends in the office of the Health Secretary and also in the office of the Chief Secretary of the Government of Tamil Nadu and assured that he could expedite the process for opening the said college and also he induced the defacto complainant to pay a sum of Rs.80 lakhs towards some funds maintained by the Health Department, Tamil Nadu and the defacto complainant paid a sum of Rs.63,50,000/- in total on various dates. After receipt of the said amount, the petitioner failed to obtain the said courses for defacto complainant's college as promised and thereafter, the defacto complainant came to know that the petitioner had received the entire amount in the pretext of government fund. Further, the cheque issued by the petitioner for a sum of Rs.45 lakhs as part payment, was returned as 'insufficient funds'. Hence the case.

3.The learned counsel for the petitioner would contend that the respondent police have registered the false case against the petitioner alleging that the defacto complainant made an application to the Government for sanctioning a college of Allied Science in the name of 'Sri Lakshmi College of Allied Health Science' and 'Sri Lakshmi College of Pharmacy at Thudiyalur' and also he had deposited the sanctioning amount prescribed by the Government and when the above matter was under



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process, the petitioner himself introduced that he had close friends in the office of the Health Secretary and also in the office of the Chief Secretary of the Government of Tamil Nadu and thereby, convinced the defacto complainant to pay a sum of Rs.80 lakhs towards some funds maintained by the Health Department, Tamil Nadu and the same was agreed by the defacto complainant and he paid a sum of Rs.20 lakhs on 14.12.2023, Rs.17,50,000/- on 05.01.2024, Rs.25 lakhs on 29.01.2024 and Rs.1 lakh through Gpay on 03.02.2024, totalling to Rs.63,50,000/-. In fact, the petitioner is doing real estate business and due to business transaction, there is a dispute among the petitioner and the defacto complainant. At that time, by influencing the police power, the defacto complainant had forcefully obtained the cheque through police and thereafter he issued a notice for the dishonoured cheque dated 03.07.2024 and the same was suitably replied by the petitioner on 20.07.2024. By suppressing the said facts, the defacto complainant filed the complaint and hence he seeks anticipatory bail to the petitioner.

4.The learned counsel appearing for the intervener / defacto complainant would contend that the petitioner approached the defacto complainant and assured that he would process quickly for getting sanction for colleges of allied science and pharma and obtained Rs.63.5 lakhs on



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various dates and thereafter, he failed to get sanction for the colleges, thereby he cheated the defacto complainant. Further the petitioner also at the time of police enquiry, agreed to return the amount and issued a cheque for a sum of Rs.45 lakhs as initial payment, but the said cheque was returned as insufficient funds. He has also received the notice under Negotiable Instruments Act. Therefore, the petitioner committed criminal breach of trust and cheating. Hence the defacto complainant filed a complaint and therefore, he opposed to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal side) would contend that based on the complaint given by the defacto complainant, the respondent police have registered FIR against the petitioner and the case is under investigation. The defacto complainant paid a sum of Rs.63.5 lakhs for getting approval of colleges and thereafter, the petitioner failed to get sanction and already he issued a cheque for a sum of Rs.45 lakhs and the same was also returned as 'insufficient funds'. Therefore, the petitioner has cheated the defacto complainant and the case is under investigation and therefore, he strongly opposed to grant anticipatory bail to the petitioner.



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6. Heard both sides. Perused all the materials available on record.

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7. Considering the representation made on either side, considering the fact that there is a money dispute pending between the parties and also already the petitioner had issued a cheque in favour of the defacto complainant and considering that there is no previous case against the petitioner, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.I, Coimbatore**, 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 learned Magistrate concerned, and on further conditions that:

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

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



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[c] the petitioner shall not abscond either during investigation or trial.

[d] 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 v. State of Kerala [(2005) AIR SCW 5560]***.

[e] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the B.N.S.

19.08.2024.

mjs

To

- 1.The Judicial Magistrate No.I, Coimbatore.
- 2.The Inspector of Police, Thudiyalur Taluk Police Station, Coimbatore.
- 3.The Public Prosecutor, High Court, Madras-600 104.

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