



WEB COPY



Crl.O.P.No.27732 of 2023

Crl.O.P.No.27732 of 2023
and Crl.M.P.No.945 of 2024

C.V.KARTHIKEYAN, J.

The petitioners/A1 & A2 seek anticipatory bail in Crime No.11 of 2023 registered by the respondent Police for the offences punishable under Section 420 r/w 34 of IPC.

2. It is the case of the prosecution that the petitioner had held out that they are running an institute called JBR, Hotel Management Institute and offered B.Sc., Hotel Management Course affiliated to Alagappa University at Karaikudi. They had only applied for such affiliation, but had not obtained any such affiliation. Without affiliation they invited the students to apply to the said course. Four students had applied to the said course including the defacto complainant.

3. The learned counsel for the petitioners stated that each one of four students had paid a sum of Rs.12,000/-, Rs.30,000/- and Rs.6,000/-, and totally Rs.48,000/- had been collected from the four students. It is also



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contended that the petitioners had repaid the amount. The learned counsel for the petitioners further stated that all the original documents relating to application for updation are available. It is further stated that the petitioner bona fide believed that affiliation would be possible and it was under those circumstances, that they had accepted money from the students.

4. The learned Public Prosecutor(Puducherry) however stated that even being without being affiliated to Alagappa University, the petitioners had started collecting the amounts from the students holding out that they were in a position to offer B.Sc., Hotel Management Course. It is stated that the investigation had revealed that the institution was not at all affiliated to the said University.

5. A representation was made on behalf of the intervenor and it is stated that after paying the amount to the petitioners, the defacto complainant had applied for education loan in a bank wherein it was revealed that the petitioners' Institute was not at all affiliated with Alagappa University.



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6. It is further stated that the defacto complainant made enquiries with Jeppiar Institute of Hotel Management, Puducherry and it was found that they had no connection with the Jeppiar Institute of Hotel Management, Puducherry started by the petitioners herein.

7. The learned counsel for the petitioners further stated that the complainant had a motive and that the petitioners have every right to use the name Jeppiar Institute of Hotel Management. The facts are straight forward. The petitioners had no affiliation to start B.Sc., Hotel Management course. But, they had started collecting the amount. They could have collected Rs.1/- or they could have substantial amount. The fact is, without being affiliated, they had received amounts with knowledge that there was no recognition granted by Alagappa University to commence the course in B.Sc. Hotel Management Course. Even receiving Re.1/- would amount to cheating of the person who had given that particular amount to the petitioners.



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8. The defacto complainant is one who had suffered by making payment of Rs.13,000/-. It is not a question of whether it is a small amount or a large amount, but it is a question of receiving amount with the knowledge that there is no affiliation for the said course granted by Alagappa University and with that knowledge still holding out to obtain affiliation. They had made an application to accept the course being recognized by the said University.

9. The facts of the case is that it is not the case of the petitioners wherein the anticipatory bail could not be granted. I am not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is ordered.

30.01.2024

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