

GAHC010198962024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/2589/2024

MR ROBINS K THOMAS
S/O MR. THOMAS JOHN, P/R/O KUNNATHUPUTHANPURACKAL,
KUTTAMPUZHA, URULANTHANNI, ERNAKULAM, KERALA, PIN-686681.
PRESENTLY WORKING AS AN INTENSIVE CARE UNIT NURSING IN-
CHARGE AT SARATHI HOSPITAL, ALTERNATIVE ROAD, NALBARI, ASSAM,
PIN-781335 AND CURRENTLY RESIDING AT C/O BANKSHI KALITA,
NALBARI POLICE STATION, OPPOSITE BRYLANE, NALBARI, ASSAM, PIN-
781335

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B K JAIN, MS. P C BARNALI NAIR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 27.11.2024

1. Heard Mr. B.K. Jain, learned counsel for the petitioner, **Mr. Robins K. Thomas**, who has filed this application under 482 BNSS, 2023 with a prayer for pre-arrest bail as he is apprehending arrest in connection with Dispur P.S. Case

No. 854, dated 14.08.2024 under Sections 406/ 420 IPC.

2. Heard Ms. N. Das, learned Addl. Public Prosecutor, Assam, appearing for the State respondent.

3. The learned Addl. PP has raised objection against the prayer of pre-arrest bail stating that there are incriminating materials against the petitioner in the case diary.

4. The FIR unfolds that the petitioner falsely promised the informant's wife that she would be educated at the 'G.N.M. Nurse in Benglauru'. Accordingly, an unknown school in Bengaluru was shown to the candidate on 01.09.2019 and lastly an amount Rs. 4,50,000/- as on 24.10.2023, Rs. 40,000/- in cash as on 10.08.2019 was taken by the petitioner and on 05.10.2019 an amount of Rs. 80,000/ and an amount of Rs. 99,000/- by way of online transfer was taken by the petitioner. It was also promised that the school will be approved by the Indian Nursing Council and the same would be registered in Assam.

5. Now, the petitioner is aggrieved that the certificate issued by them could not be registered in the Registration office of Assam and the school has not been approved by the Indian Nursing Council.

6. The petitioner has relied upon order dated 11.09.2017 of the Hon'ble Supreme Court of India in the case of ***The Karnataka State Association of the Management of Nursing and Allied Health Science Institute and Ors Vs. the Indian Nursing Council & Ors.*** passed in ***Civil Appeal Nos. 12759-12761 of 2017 (Arising out of SLP (Civil) Nos. 23346-23348 of 2017)***, wherein it has been held that the Indian Nursing Council, Respondent No. 2 has no authority to grant recognition to the institutions imparting nursing course. It must follow that the Respondent No. 2 is, therefore, restrained from

publishing on its website, the materials that are indicated. However, despite the order dated 11.09.2017, the petitioner induced the aggrieved that the course would be approved by the Indian Nursing Council.

7. The case diary is received and perused.
8. I have scrutinized the case diary.
9. At this stage, I am not inclined to grant pre-arrest bail to the petitioner.
10. Considering all aspects of the matter in its entirety, the petition for pre-arrest bail is rejected.
11. Bail application is dismissed.
12. Send back the case diary.

JUDGE

Comparing Assistant