

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.488 of 2015

1. Mahaveer Jain S/O Shri Motilal Jain, Aged About 29 years R/O A-62, Surya Residence Junwani Bhilai, P.S.- Supela, Tahsil, Civil And Revenue District Durg, Chhattisgarh
2. Chandrika Prasad Patel S/O Shri P.R.Patel Aged About 45 Years R/O Geetanjali, City Phase-2, Qr.No.299, Behind Head Office S.E.C.L., P.S.- Sarkanda, Civil And Revenue District- Bilaspur, Chhattisgarh

---- Applicants

Versus

1. State Of Chhattisgarh Through: Station House Officer, Police Station- Supela, Bhilai, District Durg, Chhattisgarh

---- Non-applicant

For Applicants	:	Shri Manish Upadhyay, Advocate
For Respondent	:	Shri Satish Gupta, Govt. Advocate

Order On Board

30/06/2015

The applicants are apprehending their arrest in connection with Crime No.292 of 2015 registered at Police Station Supela, Bhilai, District Durg for alleged commission of offence under Section 420 of IPC.

2. Case of the prosecution is that the applicant acting as Counselor/Agent of C.M.J. University, Shillong, induced the complainant with dishonest intention to pay huge amount of fee and for undertaking P.hd. Work and later on, it was found that there were number of complaints against the said University and enquiry has been ordered. It is alleged that huge amount of Rs.1 Lakh was demanded by the applicants from the complainant and thereby the applicants cheated her.

3. Learned counsel for the applicants submits that the applicants have not committed any offence. They are authorized counselor of C.M.J. University, Shillong and in that capacity, they only recommended the complainant to get registered as P. hd. Scholar with the said University.

The entire amount given by the complainant was deposited in the accounts of the University and receipt was also issued by the University. There are complaints against the institution with regard to its functioning, for which, the applicants are not responsible.

4. On the other hand, learned State counsel opposes the prayer for grant of bail by submitting that the applicants made false representation to the complainant which induced her to part with huge amount of more than Rs.67,000/-.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the University is stated to be recognized by the University Grant Commission and that the fee was deposited in the accounts of the University and it is not a case that on the date, the University was not recognized or not existed, the application is allowed.

6. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the arresting officer on each of them furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the arresting officer with following further conditions that:

- (I) the applicants shall make themselves available for interrogation by the police officer as and when required;
- (ii) the applicants 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.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava

JUDGE

