

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C(A) No. 1073 of 2015

Dev Prasad Joshi S/o Shail Kumar Aged About 32 Years Caste -
Satnami, R/o Gram Manki, P.S. Lormi, District Mungeli
Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through The Officer Incharge, Police Station
- Kunkuri, District Jashpur Chhattisgarh

---- Respondent

For Applicant	:- Mr. Mateen Siddiqui, Advocate.
For Respondent/ State	:- Mr. Satish Gupta, Government Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/11/2015

1. Apprehending arrest in connection with Crime No.94/2015 registered at Police Station- Kunkuri, District Jashpur (C.G.) for the offence punishable under Section 420,468 read with section 34 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, on 06.06.2015 the complainant Ms. Soshan Barwas has made a complaint before the Police Station Kunkuri that one Bhagwat Singh who was running a paramedical college at Kunkuri has received an amount from her in the name of admission for GNM training. Likewise, he received different amounts from different students to provide GNM training. It is further the case of the prosecution, that Bhagwat Singh prepared

forged pamphlets wherein it was advertised that Bharat Sevak Samaj affiliated by the Mahatma Gandhi University runs a college under the Luvee Community College, Raipur, to provide paramedical course wherein the diploma in practical nursing would be provided to the students by him. It is further the case of the prosecution that from different students, a total amount of Rs. 4.18,000/- from which Rs 7500/- was received by Bhagat Singh. Thereafter, the police on the report of complainant has lodged the case against Bhagat Singh Naag and Dev Prasad Joshi under section 420, 468, 34 of IPC.

3. Counsel for the applicant submits that Dev Prasad Joshi the present applicant runs a college at Lormi at District Mungeli in the name and style of Chhattisgarh Council of Alternative Medicine. At certain point of time Bhagwat Singh was appointed as an agent to provide the guideline to the ensuing students for admission in the college. He further submits that he was not authorized to receive any amount on behalf of Chhattisgarh Council of Alternative Medicine the college of the applicant. He further submits that the letter would show that Bhagwat Singh was appointed as an agent to impart the information to get admission in the the paramedical course at Kunkuri in the year 2014-15. It is further submitted that certain students were admitted in the course of certificate in Patient Care which is being run in the college of the applicant. He further submitted that the admitted students appeared in the examination and the results were declared. Subsequently, the results was obtained by few of the students. It is contented that what had transpired between Bhagwat Singh and students and whether he had promised them to get diploma in the Practical Nursing or not but on the basis of application the actual admission was given to

the students in the course of certificate in Patient Care in college of applicant.

4. Counsel for the applicant submits that no role has been played by the applicant in this regard. It might have been that Bhagwat Singh might have made promise to the applicants for certain courses. He further submits that in the college of the applicant the students took admission for which they were charged and certain students were issued certificates after appearing in the examination, therefore, he prays that the applicant has not done any criminal act and he be enlarged on anticipatory bail.
5. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail. He submits that according to the documents, Bhagwat Singh was appointed by the applicant as an agent and the Bhagwat Singh in turn received an amount from the different students therefore, and the regular bail of the applicant Bhagwat Singh was rejected.
6. Perusal of the case diary would show that the students have stated that they have paid the entire amount to the Bhagwat Singh to get admission and the amount was received by Bhagwat Singh to get admission in practice in nursing wherein they were given education first Patient Care and therefore, prima facie appears the amount was received by Bhagwat Singh whereas this applicant who runs a college wherein students were admitted after filing of admission forms in particular subject.
7. The charge sheet in this case has been filed against Bhagwat Singh and the petitioner, and the documents filed in this case are in the nature of documentary evidence. Taking into totality of the facts and evidence available in the case diary and further holding to the

fact that charge sheet has been filed, I am inclined to allow this application.

8. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- along with one surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions:-

- (i) That the applicant shall make himself available for interrogation by a Police Officer as and when required.
- (ii) That he 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.
- (iii) That he shall not act in any manner, which will be prejudicial to fair and expeditious trial and
- (iv) That he shall appear before the trial Court on each and every given date to him by the said Court till disposal of the trial.

(Goutam Bhaduri)

Judge

Santosh