

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4762 of 2015**

- Darasingh Kuldeep, S/o Shri Mangal Das Kuldeep, aged about 47 years, R/o Qtr. No.E-39, Subash Block, SECL Korba, Tahsil & Civil & Revenue Distt. Korba (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh, Through the Station House Officer, Out Post CSEB, P.S. Kotwali Korba, District Korba (C.G.)

---- Non-applicant

For Applicant: Mr. Awadh Tripathi, Advocate.

For Non-applicant/State: Mr. Om. P. Sahu, Govt. Advocate.

For Objector: Mr. SRJ Jaiswal, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****06/10/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 226/2015 registered at Police Station Kotwali, Korba, Distt. Korba for the offences punishable under Sections 420, 467 & 468/34 of the Indian Penal Code.

(2) Case on the prosecution, in brief, is that applicant being President of Kamal Institute of Technology & Management, Korba admitted 21 students in the ITI, Electrical Branch but did not provide result for the year 2013-2014 though admission fee was

taken from them and, thereby, committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has been falsely implicated in the offence in question as he has not committed any offence and the students have already been provided mark sheet for the year 2012-2013 but the mark sheet of year 2013-2014 could not be provided as the University from whom the Institute was registered earlier i.e. Jodhpur National University, did not register the applicant/Institution for the year 2013-2014 and, as such, there is no forgery on the part of the applicant as the applicant showing his bonafidely has returned fee, which he was taken from 19 students; and the case is triable by Judicial Magistrate, First Class. He further submits that applicant is in jail since 27.05.2015; and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, Counsel for the State as well as Objector submits that the applicant's Institution was not recognized for the year 2013-2014 but the applicant admitted the students and obtained fee for the said year and thereby cheated the students.

(5) Taking into consideration the facts & circumstances of the case; further taking note of the fact that applicant's Institution was earlier recognized with the Nakshatra Group of Technology for the year 2012-2013 and the result was declared and mark sheet was issued to the students and subsequent dispute arose between the parties with regard to affiliation; further considering pre-trial detention and the charge sheet has already been filed; this court

is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-