

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 174 of 2016

- Dr. Akhilesh Chandra Verma S/o Shri Suresh Chandra Verma Aged About 52 Years R/o Civil Lines, Kawardha, Lecturer, P.G. College, Kabirdham Chhattisgarh, P.S. Kawardha, Civil & Rev. Distt. Kabirdham Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Civil Lines, Raipur Chhattisgarh.

--- Respondent

For the applicant	:	Mr. B.P. Sharma, Advocate.
For the Respondent	:	Mr. Anil S. Pandey, Govt. Adv.

MCRCA No. 186 of 2016

- Anand Prakash Tigga S/o Ruben Tigga Aged About 53 Years R/o - Professors Colony Kawardha, P.S. & Tahsil - Kawardha, District - Kabirdham, Chhattisgarh.

--- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, P.S. - Kawardha, District - Kabirdham, Chhattisgarh.

--- Respondent

For the applicant	:	Mr. V.C. Ottalwar & Mr. F.S. Khare, Advocates.
For the Respondent	:	Mr. Anil S. Pandey, Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.03.2016

1. Apprehending arrest in connection with Crime No.408 of 2015 registered at Police Station Kawardha District Kabirdham (C.G) for the offences punishable under section 420, 409, 34 & 418 IPC, the applicants have filed

these applications u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.

2. Since both these bail applications are relating to the same crime number, they are disposed of by this common order.
3. As per the prosecution case, applicant Anand Prakash Tigga was working as Principle in P.G. College Kawardha and Applicant Dr. Akhilesh Chandra Verma was working as Lecturer in the said College. It is the case of prosecution that the applicants considering the number of students who wanted to prosecute their studies got admitted the students over and above the sanctioned strength in the college and the fund which was available under National Higher Education Drive (राष्ट्रीय उच्चतर शिक्षा अभियान - RUSA) was diverted for construction of various class rooms and upgrading the standard of the students. Therefore, the applicants unauthorisedly admitted as many as 1952 students over and above the sanctioned strength of college and also further commenced different courses for the students as the students wanted to prosecute their studies.
4. Learned counsel for the applicants submit that it is not a case that the money has been usurped or defalcated and it is the case of prosecution that every development work has been accounted for and since the students at large wanted to prosecute their studies they were admitted in courses to help them to make their future and the college imparted the education. He further submits that It was for the welfare and progress of the students to upgrade them in future and the fund which

was available with the college under RUSA Scheme was not used for personal use but it was used for the progress of students which is evident from development of the infrastructure in the said college, therefore, the counsel would submit that in any case it may not lead to criminality but may be an illegality. Therefore the applicants may be enlarged on anticipatory bail.

5. Per contra, learned State Counsel opposes the prayer for grant of bail and submits that the applicants admitted the students over and above sanctioned strength and raised construction of class rooms and provided with other facilities to which the applicants were not authorized. It is further submitted that the funds of RUSA meant for the Scheme was diverted for the development of the College in other way under the said Scheme and certain students were admitted in the new courses though the said courses were not sanctioned or affiliated by the University or State. Therefore, he opposes the bail.

6. Perused the case diary and the documents. According to the prosecution it is not a case that the applicants have misappropriated the money for their own use. It is the case of prosecution that the applicants got admitted 1952 students as against the sanctioned strength of 1125 and the amount was deposited with Ravi Shankar University for affiliation of courses such as LLB, M.A., (Economics), M.A., (Sociology), M.A (History). The internal correspondence would reveal that the applicants have informed that since there was much pressure from the students as they wanted to prosecute their studies,

the students were admitted in different courses and the amounts were also deposited to get affiliation from Ravi Shankar University and the State. This fact also emerged out that in such area only one college exists.

7. Prima facie, it appears that the applicants considering the plight of the students gave them admissions in furtherance of their future. Therefore, I am of the opinion that prima facie it do not project any criminality against the applicants.
8. Taking into such back ground and the circumstances and the role played by the applicants, it appears the applicants have not misused the amount for their own cause instead it was used for the progress of students and development of the College, therefore, I am inclined to extend the benefit of section 438 Cr.P.C., to the applicants.
9. Accordingly, the applications are allowed and 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 officer arresting him on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the officer arresting them or the concerned Investigating Officer. The applicants shall also abide by the following conditions :-
 - (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that they 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/her from

disclosing such facts to the Court or any police officer;

(iii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE

Rao