

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7464 of 2015

Lalit Soni, S/o. Late Vijay Kumar Soni, Aged About 32 Years, R/o. Qtr. No. 524, Sindhiya Nagar, Police Station Mohan Nagar, Durg, Tahsil Durg, Civil & Revenue Distt. Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Mohan Nagar, Durg, Civil & Revenue Distt. Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Mahendra Dubey, Advocate
For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order on Board

25.01.2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.384/2015, registered at Police Station– Mohan Nagar, Durg, Revenue & Civil District Durg (C.G.) for the offence punishable under Section 420 of Indian Penal Code.
2. The first bail application was dismissed on merit on 03.11.2015 in M.Cr.C. No.5806 of 2015.
3. Case of the prosecution, in brief, is that the applicant was running a Jai Ambe Shikshan Samiti and was running institute under the name and style National Educational Academy and stated that they were providing B.Ed. degree to the students and the academy is affiliated to Karnataka State Open University which is being recognized. Consequently, received Rs.60,000/- to 80,000/- from 800 students. Subsequently, when the report was made by a batch of 100 students, the matter is being investigated.
4. Learned counsel for the applicant submits that this is the second bail application. The first bail application was dismissed on

03.11.2015 wherein the grounds of rejection were different as on 06.07.2015 for the first time the State of Chhattisgarh has issued a notification that the outsider study center of distance education shall not be recognized and therefore ipso facto it will lead to show that till July, the degree which was provided to different students by the distance education were valid and after 06.07.2015 no admissions were taken and the applicant has published this fact in the notification by public notice. Consequently, no offence is made out against the applicant.

5. Per contra, learned State counsel opposes the prayer for grant of bail and submits that the first bail application was rejected on 03.11.2015 and there is no change of circumstances as the grounds of rejection remains the same.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Perused the earlier order wherein the rejection was on the ground that the degree was not recognized in the Chhattisgarh State was suppressed and it was published that the degree so issued was also recognized in the Government job which was not the case. Considering the nature of evidence and evaluating the fact and the way the offence has been committed by receiving the amount from the number of students and provide them B.Ed degree which is not recognized in the State of Chhattisgarh and further considering the position of this applicant, I do not find any change of circumstances to reconsider the bail application.
8. Accordingly, the second bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

