

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1025 /2016

1. Marry Dubey, W/o. G.P. Dubey, Aged About 60 Years.
 2. Vincent John, S/o. G.P. Jhon (Dubey), Aged About 29 Years.
- Both are R/o. House No. EWS, S-88, 89, Padmanabhpur, Near Vishwadeep School, Durg, District Durg, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Jamul, District Durg, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. B.P.Singh, Advocate.
For Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate.
For Objector	:	Mr. M.P.S.Bhatia, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/12/2016

1. Apprehending arrest in connection with Crime No.2012001/2016 registered at Police Station- Jamul, District Durg (C.G.) for the offence punishable under Section 420, 34 of Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a report was made by one P.M. Ramachandran Pillai on 09.02.2012 that the present applicants in the name of Wings Academy assured that they will provide the training for diploma in Aviation Hospitality & Management and thereby the son of the complainant has got the job and collected different amount from the year 2008 of Rs.6,17,898/-. Subsequently, the Wings Academy was closed and the diploma was not given, therefore, the applicants have committed fraud.
3. Learned counsel for the applicants would submit that different amount was collected through Bank and the training was provided, however, the son of the complainant was not interested in

prosecuting his course and he could not complete the career course and it was not promised that he will be deployed in some job and only the job of Wings Academy was to train, therefore, no offence has been committed. He further submits that the allegation is right from the year 2008 and the case has been registered after filing of the complaint, therefore, the applicants may be enlarged on anticipatory bail.

4. Per contra, learned State counsel and learned counsel for the objector opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the documents, which shows that the complaint was filed under Section 420/34 of IPC. The case diary shows that the respective amount was paid in the year 2008-2009 under receipt of Rs. 2,50,000/-. Considering the totality of the case and taking into fact that applicant No.1 is a lady of 60 years and considering the nature of allegation against the applicant No.2 and the time which has been lapsed, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended to the applicants.
6. Accordingly, the anticipatory bail application is 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 them on furnishing a personal bond to a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that 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/her from disclosing such facts to the Court or to any police officer;

- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Goutam Bhaduri)
Judge