

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 429 OF 2016

Mrs. Neetika Udbhav Saini ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Prashant V. Nayak, Advocate for the applicant.

Mrs. P.P. Shinde, APP for the State.

Mr. Kiran Kabadli, P.I., Tulinj Police Station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **11th March, 2016.**

P.C.:

This Application is moved by the applicant for anticipatory bail, as the applicant is facing charges under section 420 r/w. 34 of the Indian Penal Code in C.R. No. I-591 of 2015 registered with Tulinj Police Station, , Nalasopara. The offence is registered at the instance of Murtuja Ismail Banapurwala.

2. It is the case of the prosecution that the applicant/accused is running a play group, namely Kidzee. The daughter of the complainant got admitted in the play group. The applicant/accused has charged Rs.35,000/- as annual fees. The complainant paid Rs.22,000/- towards the fees. The child was going to the school from July, 2015 till 6th November, 2015. However, the applicant/accused informed the parents by e-mail dated 30th October, 2015 that the school is closed and you can take

admission in other school. Therefore, the parents came together and as most of them have paid Rs.35,000/- towards annual fees of their children, they gave complaint against the applicant/accused and other persons.

3. The learned counsel for the applicant/accused has submitted that applicant/accused was running a play group as a franchisee of Zee Learn Ltd. under the brand name Kidzee and the main branch of the said school is in Andheri. The learned counsel submitted that the main office terminated the contract of the applicant/accused on 25th September, 2015, however, she was running her school on her own till November, 2015. It is further submitted that most of the children were accommodated by the franchisee in other school where they were not required to pay more fees than whatever they have paid earlier. He submitted that the applicant is ready to cooperate the police. It is also submitted that the dispute between the applicant/accused and the main office is pending in the arbitration matter before this Court. The learned counsel submitted that out of this, 28 children did not pay full amount of fees and therefore, they were not accommodated.

4. Learned APP opposed this Application and submitted, on instructions, that 52 students have been transferred and accommodated in

other school and 88 students were not yet accommodated. She further submitted that only Rs.3,00,000/- were paid by the applicant/accused to the main office.

5. Heard the submissions of both the sides. Perused the FIR. It appears that the fees were accepted by the applicant/accused from the children, however, majority of the children are accommodated in other schools. The permission to run the school of the applicant/accused was terminated by the main office and, therefore, she stopped running the school. The dispute between the applicant/accused and the main office is pending in the arbitration matter before this Court. Hence, I am of the view that it is a case pre-arrest bail. Hence, pre-arrest bail is granted to the applicant/accused on the following terms and conditions:

ORDER

- i) Application is allowed.
- ii) In the event of arrest, the applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- iii) The applicant-accused shall not tamper with the evidence.
- iv) The applicant-accused shall not indulge into any criminal activity;

v) The applicant shall cooperate the Investigating officer and shall attend the concerned police station on every Tuesday and Thursday for two weeks between 10 a.m. to 1 p.m. and submit the documents.

vi) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

6. The Application is disposed of on above terms.

(MRIDULA BHATKAR, J.)