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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1371 of 2018**

Kumari Sweeti @ Surinder Kaur D/o Narendra Singh Tuteja Aged About 22 Years R/o Amlibhaun, Mithumuda, Raigarh, Police Station Jutmil, Raigarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Chowki Jutmil, Police Station City Kotwali, Raigarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri Manoj Paranjpe, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.11.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No.1169 of 2018 registered at Outpost Jutemill, police station City Kotwali, District Raigarh, Chhattisgarh for the offence punishable under Sections 420 read with Section 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is the Principal of the Ranjeet Public School. She never gave inducement to the complainant and others

that the school is recognized by CBSE Board. The school has recognition from the State Government Board. Although the recognition for class 9th and 10th was withdrawn arbitrarily by the District Education Officer, Raigarh, which was challenged before the Court in W.P.(C) No. 824 of 2018 and vide order dated 24.4.2018, the petition of the school was allowed and the order of DEO was set aside. Hence, no fraud or deceit has been played by the applicant and it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that looking to the evidence present in the case-diary, no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. The complainant has lodged FIR alleging that this applicant induced him that the school has recognition from CBSE and getting induced he admitted his son for which huge amount was received as fees. Later on, he came to know that the school is not recognized by CBSE Board.

7. After considering the entire material present in the case-diary, I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the Officer arresting him on

executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:

- '(i) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicant 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 them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.'

Sd/-
(Rajendra Chandra Singh Samant)
Judge