

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 793 of 2021

- Surendra Kumar Kamat S/o Shri Subhnarayan Kamat Aged About 40 Years R/o- Gali No. 40, Molarband, Badarpur, Delhi, 110044

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station - Pandri, Raipur, Distt.- Raipur (Chhattisgarh)

---- Respondent

For Applicant	: Shri Vivek Kumar Agrawal, Advocate
For Respondent/State	: Ms Anjali Singh Chouhan, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

04.08.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No. 44 of 2021 registered at Police Station Pandri, District Raipur, Chhattisgarh for commission of offense punishable under Section 420 and 34 of IPC.
2. Case of the prosecution, in brief, is that, complainant has lodged a complaint against present applicant and one Vidyanand Verma, mentioning therein that her daughter appeared in NEET Examination which took place on 13.09.2020. On 08.09.2020, present applicant called her on Mobile Phone stating himself to be from Affinity Education Consultancy, Noida; he came to know that her daughter appeared in NEET Examination, he stated that her daughter can get admission in some college after paying donation and Fees and also forwarded names of colleges and details. It is further said that if marks are below 450, then, through his Consultancy, they provide admission in payment seats. After declaration of result and at the time of counseling, present applicant again called complainant and asked to deposit Rs.2 lakhs

and thereafter, further on the pretext that her daughter had got admission in College have asked him to deposit further amount to which she deposited. Applicant along with Virendra Verma reached to the house of complainant and asked for Rs.7 lakhs which is to be deposited with the college. When the complainant tried to give payment through cheque, they refused and thereafter, payment of Rs.7 lakhs has been made by complainant. But even after acceptance of payment, her daughter could not get any admission in any of medical colleges, complainant asked for return of money, to which they did not return. Thereafter, report was lodged and instant crime was registered against present applicant and one Virendra Verma, co-accused.

3. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.

4. Shri Vivek Kumar Agrawal, learned counsel for the applicant submits that after registration of crime, complainant has entered into compromise on 24.03.2021 (Annexure A2) and also executed compromise deed with Vidyanand Verma, co-accused. He further submits that in para-2 of compromise deed there is specific mention that it was executed on behalf of present applicant, also mentioning specifically that compromise is with Party-2 ie Vidyanand Verma and another Surendra Kumar Kamat. As compromise between the parties has already been executed, under compromise deed applicant has satisfied the damages, offence registered against applicant is compoundable, applicant may be benefited under Section 438 of CrPC.

5. On the other hand, Ms Anjali Singh Chouhan, learned State counsel submits that there is allegation of cheating against applicant as he took huge amount from complainant along with one Vidyanand Verma on pretext of providing admission to her daughter in medical college. She further submits that as per instructions received by her through Police Station, complainant has intimated that compromise deed was executed with Vidyanand Verma, co-accused and not with present applicant.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against the applicant, contents of compromise executed by complainant as Party-1 and one Vidyanand Verma, co-accused as Party-2 and further contents of paragraph-2 & 3, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicant.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions:

a) That the applicant shall make himself available for interrogation before the Investigating Officer as and when required;

b) 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 him/her from disclosing such facts to the Court or to any Police Officer;

c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

d) 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.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma