

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 912 of 2021**

- M.L. Satish S/o Laxmi Narayan Appa Aged About 51 Years R/o Arvinda Nilaya Ramakrishna Extension Shrinivaspura, Ward No.19, Shrinivaspura Kolar, Bangalore Karnataka. Pin- 563135

---- Applicant**Versus**

- State Of Chhattisgarh Through, Station House Officer, Police Station Ambikapur, District- Surguja, Chhattisgarh

---- Respondent

For Applicant	: Shri CJK Rao, Advocate
For Respondent/State	: Shri BP Banjare, Dy GA

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

25.08.2021

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. 905 of 2020 registered at Police Station Ambikapur, District Surguja Chhattisgarh for commission of offenses punishable under Sections 420, and 34 of IPC.
2. Case of the prosecution, in brief, is that, written complaint was lodged by Ramkumar Pandey, stating therein that when his child cleared NEET Examination, one Deepak Chatterjee contacted him on his mobile phone and assured admission of his child in Medical College. Complainant as per his instruction, went to Bangalore. Deepak Chatterjee called present applicant at Campagouda Institute of Medical Sciences, Bangalore, and met him in college campus. From there, complainant and one Ashish Gupta went to chamber of Director of that Institute. There, they met Jiyaulhuk and present applicant. Upon discussion, deal with regard to admission was finalized for Rs.21,50,000/- for each student and complainant was asked to deposit

Rs.25,000/- towards registration fee. Thereafter, complainant and one another handed over Rs.25,000/- towards registration fee and Rs.3 lakhs cash for other fee to applicant. As per instruction of applicant, complainant and Ashish Gupta deposited Rs.7 lakhs in account of Prabodha Education Society, run by Deepak Chatterjee and thereafter, they further transferred Rs.2 lakhs each in account of Deepak Chatterjee. All these transactions were happened in the year 2017. When complainant's child neither get admission nor money deposited with Institute was returned to him, complainant lodged a written complaint, based upon which crime has been registered against applicant, Dinesh Chatterjee, Fahim, and Dinesh Sharma.

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

4. Shri CJK Rao, learned counsel for the applicant submits that allegation against applicant is absolutely false and baseless. He submits that applicant is Director of Campagouda Institute of Medical Sciences, Bangalore and 27 more colleges are affiliated with this Institute. When the aspirants who succeed in NEET Examination could not get admission in Government Medical Colleges, they rush to Private Medical Colleges and based on their merit, they are admitted. Complainant has not deposited any money with applicant, otherwise receipt of money could have been provided to him by the Institute, as alleged that they have deposited Rs.25,000/- towards registration fee. He submits that at the time of admission, number of students along with their parents visit the Institute seeking information with regard to admission, and availability of seats in medical college for admission.

But each and every candidate and their parents unless and until they have taken admission in college and got themselves registered, could not be identified. It is submitted that except oral statement, there is no material available in the case diary to connect the applicant in alleged crime. No person will pay such a huge amount unaccounted, particularly, if they say, some part towards registration fee, but no document or receipt of registration fee is placed by complainant. He further submits that applicant is a reputed personality, Director of Institute, will cooperate in investigation and undertakes appearance of applicant before investigation agency as and when required. Hence applicant be enlarged on anticipatory bail.

5. On the other hand, Shri BP Banjare, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that applicant has not cheated complainant alone, but other persons too, whose statements are recorded under Section 161 of CrPC. Kaushal deposited Rs.10 lakhs and Narendra Rs.15 lakhs cash with present applicant. Apart from this, Ashish Gupta deposited Rs.3,25,000/-. Co-accused Dinesh Chatterjee and Jiyaulhuk are arrested in similar nature of offence by the Police, Koni Police Station, Bilaspur and in their memorandum statement, they named present applicant. They also stated that amount of Rs.3 lakhs has been handed over to applicant by complainant in front of them. Hence applicant is not entitled for anticipatory bail.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against applicant of handing over cash, except oral allegation, no material is placed against present applicant before the Police till date of accepting money or receipt of registration, if money stated to be deposited, without commenting anything on merits of the 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 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 him/her 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/her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE