

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6247 of 2020**

- Rajesh Sharma @ Rajesh Bhanot @ Bhagat Deghram, S/o Late Shri Satyanarayan Sharma @ Shambhu Narayan Sharma, Aged About 56 Years R/o 192 B, Samta Colony, Raipur, District Raipur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Gobra Nawapara, District Raipur Chhattisgarh.

---- Respondent**With****MCRC No. 6911 of 2020**

- Smt. Uma Sharma @ Bhagat Lajwanti Navratri, W/o Rajesh Sharma @ Rajesh Bhanot @ Bhagat Deghram Aged About 55 Years, R/o - 192- B, Samta Colony, Raipur, District - Raipur Chhattisgarh.

----Applicant**Versus**

- State Of Chhattisgarh, Through Station House Officer, Police Station - Gobra Nawapara, District - Raipur Chhattisgarh.

---- Respondent**With****MCRC No. 7865 of 2020**

- Rajesh Sharma @ Rajesh Bhanot @ Bhagat Deghram, S/o Late Shri Satyanarayan Sharma @ Shambhu Narayan Sharma, Aged About 56 Years R/o 192 B, Samta Colony, Raipur, District Raipur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Gobra Nawapara, District Raipur Chhattisgarh.

---- Respondent

For Applicants : Ms. Smita Jha, Adv.

For Respondent/State : Mr. Samir Uraon with Mr. Udhaw
Sharma, G.A.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

10.05.2021

1. The matter is heard through video conferencing.
2. Since in the aforesaid bail applications in MCRC Nos. 6247/2020 & 7865/20020 the applicant is one and the same and in the MCRC Nos. 6247/2020 & 6911/2020 having same crime number, they are being heard and disposed of by this common order.
3. The accused/applicants have moved this Second bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime Nos. 70/2011 & 82/2011 registered at Police Station- Gobra Nawapara, District - Raipur, (C.G.) for the offence punishable under Sections 420, 409, 467, 468, 471, 120B of I.P.C.
4. The first bail application of the applicants was dismissed as withdrawn on 13.03.2020 with liberty to revive the same after examination of the material witnesses.
5. The prosecution story, in brief is that, the present applicants committed fraud of approximately amounting to Rs. 2,50,00000/- on account of providing education to the students till class 12th on the basis of false and fabricated documents. Thereafter, offence has been registered against

the present applicants and they were taken into custody.

6. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. She further submits that no malicious documents have been produced by the Dolphin International School Society the fees which has been taken from the parents receipt for the same has been provided to them. She next added that no malicious document has been prepared on the part of the school and the intention of the applicants was never to cheat anyone. The applicants are in jail since 30.08.2017, as there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
7. On the other hand, counsel for the State opposes the bail application submitting that offence committed by the applicants is of serious in nature, therefore, no case is made out to release them on bail.
8. I have heard learned counsel for the parties and perused the records.
9. Considering the facts and circumstances of the case, especially nature and gravity of offence in question, at this stage, I am not inclined to release him on bail.
10. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Vacation Judge