

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.884 OF 2022

Raginee Praful Somthankar

...Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Niteen Pradhan, Senior Counsel a/w Ms.Shubhada D. Khot
for the Applicant.

Mr.Y.Y. Dabke, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 1 APRIL 2022

P.C.

. The Applicant who is running English Learning Academy is a Education Consultant. Two complaints came to be registered against the Applicant on behalf of the students, alleging that the Applicant had assured the students of a particular grade in the IELTS and the equivalent examination about proficiency in English language, in order to enable the students to secure admission in Foreign Universities.

2. The students could not secure the necessary grades and were further asked to appear for an examination on 9 September 2021. Admittedly, none of the students appeared for

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the said examination, presumably on the ground that it was the assurance of the Applicant to secure the necessary grades.

3. The complaints were not entertained by the Police on the ground that there is a monetary dispute about return of the fees of Rs.2,80,000/- each paid by these students to the Applicant and therefore they were directed to take recourse to the appropriate remedy. Thereafter the learned Magistrate was approached under Section 156 of Cr.P.C. and on the basis of a direction, the FIR No.40 of 2022 came to be registered with Gangapur Police Station, under Section 420, 406, 506 of Indian Penal Code.

4. Heard learned counsel for the parties. Perused record.

5. It is pointed out by the learned Senior counsel for the Applicant that there was no such assurance to the students of securing a particular grade and it is always dependent on the performance of the concerned students who appear for the examination. It is pointed out that the students did not appear for the examination on 9 September 2021. It is submitted that out of the amount of Rs.2,80,000/- the Applicant was required to deposit approximately Rs.2 Lakhs each with the concerned University by way of Processing Fees and Incidental Expenses.

6. The learned Additional Public Prosecutor submitted that the custody of the Applicant is necessary for investigation. He, however, submitted that the Investigating Officer is not present today.

7. I have considered the circumstances and the submissions made.

8. It is necessary to note that the students had not appeared at the examination scheduled on 9 September 2021. In any event there could not be any such assurance to the students to secure a particular grade which is always dependent on the performance of the students in the examination. At any rate the dispute is regarding recovery of the fees paid by the students. Looking to the overall nature of the allegations, I do not find that the custodial interrogation of the Applicant is warranted. The Applicant can be directed to join investigation and to co-operate with the Investigating Agency.

9. Hence, the following order.

ORDER

(i) In the event of her arrest in connection with investigation of Crime No.40 of 2022 registered with Gangapur Police Station, the applicant-Raginee Praful Somthankar be released on bail on executing a

P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

(ii) The applicant shall report to the Investigating Officer on 6 and 7 April 2022 between 11.00 am to 1.00 p.m. and as and when called by the investigating officer and shall co-operate with the Investigating Agency.

(iii) The applicant shall not tamper with the prosecution evidence/witnesses.

(iv) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.