



Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 2983 OF 2023

Priti Prashant Sorate

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Manoj Badgujar, for Applicant.

Mr. M. G. Patil, APP for State.

CORAM:- N. J. JAMADAR, J.

DATED:- 25th OCTOBER, 2023

PC:-

1) Heard the learned counsel for the applicant and the learned APP for the State.

2) This application is preferred for pre-arrest bail in connection with C.R. No.557 of 2023, registered with Mahatma Phule Chauk Police Station, for the offences punishable under Sections 420, 406, 465, 467, 468 and 471 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

3) The first informant got herself enrolled with Udaan Institute of Education and Skilling Pvt. Ltd for General Nursing

Midwifery (G.N.M.), a three years course. The applicant was the Branch Head of the institute at Kalyan. The applicant represented to the first informant that the said institute offered a three years G.N.M. course and it was a recognized course. The first informant and other students were represented that Udaan Institute was affiliated to Vishwakarma University, Delhi. On the representations of the applicant, the first informant paid a sum of Rs.1,75,000/- and completed the three-year course. Upon completion of the course, the first informant was issued a certificate of having completed Advance Diploma in Patient Care Management Three Year Program 2020-2023. In the intervening period, the students were given identity cards and other documents representing that they were pursuing G.N.M. course.

4) It transpired that Vishwakarma University was not a UGC-recognized University and there was no recognition to the course offered by Udaan Institute. The first informant and other 36 students were thereby duped to the tune of Rs.50,46,775/- by making them to believe that the course offered by Udaan Institute was G.N.M. and it had recognition. Thus, the first informant lodged a report against the applicants and Varun Jha and Rahul Jha, who were stated to be the Directors of Udaan Institute.

5) The learned Counsel for the applicant submitted that the applicant was an employee of Udaan Institute. She had not made any false representation. She was unaware that the course offered by the said institute was not recognized. Being a salaried employee at Udaan Institute, the applicant has not derived any benefit from the alleged fraudulent acts. It was urged that the UGC issued a public notice in the month of August, 2002 and thereupon it was revealed that Vishwakarma Open University to which the Udaan Institute was allegedly affiliated, was a fake university.

6) The learned APP resisted the application by canvassing a submission that there are statements of the first informant and similarly circumstanced students, who were induced to part with the huge amount by making a representation that G.N.M. course offered by Udaan was recognized. It was the applicant, who had made those representations. Moreover, there is a transcript of the conversations between the applicant and one of the students in which the applicant had repeatedly assured the said student that upon completion of the course, the student would get a government-recognised certificate.

7) I find it difficult to accede to the submission on behalf of the applicant. There are categorical allegations in the FIR that it

was the applicant, who had made representations that Udaan was offering a Government Recognized GNM course. In addition, there are documents to show that the students were issued identity cards indicating that they were pursuing a G.N.M. course, and certificates and statements of marks were issued representing that the students were pursuing a Government Recognized GNM course.

8) In the face of the material on record, the applicant cannot wriggle out of the complicity by submitting that she was merely an employee of Udaan Institute. There are positive statements attributed to the applicant that she made the representations that the said course was government-recognized. The matter cannot be looked at only from the perspective of the wrongful loss caused to the students. 37 students were made to spend three precious years of their lives pursuing a course, which eventually turned out to be of no use.

9) The Directors of Udaan are at large. It is the applicant alone who would be in a position to throw light on the circumstances in which such false representations were made, documents were prepared and the students were induced to believe that they were pursuing a government-recognized course. It is naive to believe that the students would have enrolled

themselves in Udaan, incurred expenses, including fees, and spent three years of their life in pursuing a course which did not have the recognition.

10) Custodial interrogation of the applicant is indispensable for an effective and complete investigation, unearth the fraud and the manner of forgery of documents, unravel the identity of persons involved therein and also have a money trail. It is not a case where discretion can be exercised in favour of the applicant without jeopardising the interest of effective investigation and that of the victims.

11) I am, therefore, inclined to reject the application.

12) Hence, the following order:-

ORDER

I) The application stands rejected.

II) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.

[N. J. JAMADAR, J.]