

**1**      **HIGH COURT OF MADHYA PRADESH**  
**BENCH AT INDORE**  
**M.Cr.C No.22319/2018**  
**( Dr.Ramesh Badlani Vs. State of MP)**

**Indore: Dated:16.07.2018**

Shri Ajay Bagadia, learned counsel for the petitioner.

Shri Nilesh Agrawal, learned counsel for the complainant/Objector.

Shri Suraj Sharma, learned Public Prosecutor for the respondent/State.

Heard with the aid of case diary.

**ORDER**

As per statement made by the accused/petitioner, this is the sole bail application under Section 439 of Cr.P.C. before High Court in connection with Crime No.155/2018 under Section 420, 406 of the IPC registered at Police Station - Kanadia, District-Indore. No other bail application has been preferred by him.

2. It is submitted by the learned counsel for the petitioner that the petitioner is innocent and has falsely been implicated in the present case. There is no evidence against him. Investigation is over and chargesheet is filed. The petitioner is in jail since 27.05.2018. Conclude of trial is likely to take time. The petitioner is 72 years old and is permanent resident of **Indore**. There is no possibility of his absconding. He is ready to furnish adequate security.

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3. It is further submitted that Astha Foundation for Education Society has started medical college after seeking requisite permissions/sanctions from the concerned authorities. As the MCI was not inspecting the college required for granting admissions to the students, the society filed a WP No.6447/2015 before this Court and the Court granted permission to accept admission of the students. In compliance of direction of this Court, provisional admissions were given to the students giving them full information regarding direction of this Court. The society was providing all requisites for students. It was MCI, who challenged the order of this Court and the Hon'ble Supreme Court in SLP filed by the MCI vacated the order of this Court. Thus, it was the MCI who thrown out the students and society was not responsible for the same.

4. The society has not sold the plot nos.12 and 13 to Ajam Khan. The society was not aware about the earlier decree passed in favour of Ajam Khan.

5. The compliant has been filed against the petitioner making three allegations that, (i) the society has not imparted regular education to the students, (ii) the education was sub-standard and (iii) that the college was closed by the society but all the students admitted to the first year have passed first year and promoted to second year otherwise also these

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allegations do not constitute the offence under Section 420 of the IPC. There was some dispute arose between the faculty and the management, therefore, some hindrance for some time in imparting the education was there but that has been resolved later. All the students have filed affidavit stating that now the college and their studies are running smoothly. They have sent a letter to the VC also.

6. It is also averted that the Astha Society who runs medical college has 20 trustees but the police has impleaded the petitioner alone in this case. Therefore, he may be released on bail.

7. The learned public prosecutor so also the objector have opposed the bail application and has submitted that the college was given interim relief to give provisional admission to the students selected in DMAT exams but neither the petitioner informed the students that the admission was provisional nor he actually fulfilled the norms of MCI due to which his recognition got canceled and in turn admission of 122 students got canceled. When he was aware regarding provisional sanction, he might not have taken fees from the students. The petitioner has spoiled the future of meritorious students on the false pretext of having requisite sanctions/permissions. He give admission to the students and

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recovered huge amount from them as tuition fees etc. He has earn crores of rupees by making education a business on the pretext of social service. The petitioner neither made any effort to retain the students of 2015-16 educational session for next educational session. Even after cancellation of his permission, he did not returned a single penny to the students. Cheque was issued in favour of some of the students but got bounced. The petitioner neither informed MCI about the admission of those students in the year 2015-16 nor taken any steps to accommodate them in any other college. Above all, the petitioner has furnished false and fabricated information to the MCI regarding any list available for the admissions made in the previous year i.e. 2015-16. Because, if the same would have been informed to the MCI, then, MCI would have transferred them to other colleges, which would have lead the petitioner to huge financial loss and thus, the petitioner has not left any chance to play with the life of those innocent students and had taken undue advantage of the same.

**8.** It is further submitted by the learned public prosecutor that even after cancellation of recognition, the petitioner give admission to the students and collected approximately Rs.10 crores from them. When he did not provided faculties, the students demanded their money back but he did not refund

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the money. He also recovered lacs of rupees in the name of education from Danieal Shaikh, Kriti Priya, Beuti Priya and Shubham Carpenter but neither gave them admission nor refunded their money. He issued a cheque of Rs.13 lacs in favour of Danieal Shaikh which was dishonoured by the bank. Similarly some other cheques were also issued by him, which were also dishonoured. He recovered huge amount from several students in the name of giving them admission against NRI quota. Three other cases are also pending against the petitioner. He did not cooperate with the investigation. Possibility of his absconding and leaving the country cannot be ruled out, therefore, he may not be granted bail.

5. According to the prosecution case, on 19.04.2018, complainant Surbhi Maheshwari, Monika Gangwal, Shivam Patidar, Sohaib Khan, Sourabh Mandloi, Shraddha Dwivedi, Abhishek Tiwari, Aayudh Sharma, Shubham Carpenter and others alongwith a paper signed by about 100 students submitted a written complaint against the present petitioner alleging that after clearing NEET examination, 2016, she was allotted the college of the petitioner for pursuing MBBS course through counseling along with many other students. They all deposited lacs of rupees as tuition fee etc. Even after depositing the said amount, the studies were not started

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as no faculties were provided by the college and later it was found that the recognition of the said college has been canceled. Even thereafter, in July, 2017 the petitioner recovered Rs. 5 lacs each from all the students but did not started studies. The petitioner, who was incharge chairman of the society, did not refund the amount deposited by the students. The petitioner earned crore of rupees in this way and also spoiled future of the students. On the basis of the aforesaid compliant, the police lodged the FIR and registered the case.

6. I have considered rival contentions of the parties and have perused the record filed by both the parties.

7. Undisputedly, the petitioner is incharge/chairman of the society who had started the medical college. He had collected huge money from the students as admissions/tuition fees etc. Documents also shows that classes were not conducted regularly. There was resentment amongst students regarding lack of faculty and also amongst the ministerial staff and faculty regarding payment of their salary. In inspection MCI has clearly found that the college of the petitioner does not fulfill the norms set by the MCI and therefore, canceled the recognition. In this case without making necessary arrangements and without complying with

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the norms set by the MCI, the petitioner collected huge money in the name of imparting education to the aspirants who were interested in pursuing in demand course of MBBS and after collecting money, closed the college on the one pretext or the other and has not even refunded the money. Though it is submitted that now the classes are being conducted regularly and learned counsel for the petitioner has pointed out the representation submitted by some students in this respect, but no documents regarding availability of faculty or teaching/non-teaching staff have been filed. The police has recorded statement of students who have made allegations against the petitioner.

**8.** Considering the evidence regarding information given to the students in respect of the fact that their admissions are provisional, nature of the offence, evidence available against the petitioner and apprehension of the prosecution at this stage I do not find it proper to allow the bail to the petitioner.

**9.** Consequently, the present petition stands **dismissed**.

**(Virender Singh)**  
**Judge**

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