



2026:CGHC:3618



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 745 of 2026

Smt. Shanti Tandan W/o Shri Ghanshyam Tandan Aged About 37 Years
Head Mistress Non-Government Mother India Convent School- Bade
Devgaon, Tahsil- Kharsiya, District- Raigarh (C.G.) Presently R/o
Village- Devarmal, Police Station And District- Sakti (C.G.)

... Applicant(s)

versus

State Of Chhattisgarh Through- Station House Officer, Police Kharsiya,
District- Raigarh (C.G.)

... Respondent(s)

For Applicant(s) : Mr. Roop Ram Naik, Advocate.

For Respondent(s) : Mr. Priyank Rathi, Government Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice
Order on Board

21/01/2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in connection with Crime No. 607/2025 registered at Police Station



Kharsiya, District- Raigarh (C.G.) for the offence punishable under Section 318(4), 3(5) of BNS.

2. Case of the prosecution, in brief, is that on 29.11.2025, the Block Education Officer, Kharsiya lodged an FIR alleging that the present applicant along with co-accused Ghanshyam Tandan fraudulently opened and operated a non-government school, namely Mother India Convent School at Bade Devgaon, and illegally withdrew an amount of Rs.22,52,281/- from the Education Department by falsely showing government school students as enrolled in the said private school for the purpose of claiming student fee and uniform reimbursement. After investigation, the police filed a charge-sheet against the accused persons and arrested them for the said offences. Hence, the bail application.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in offence in question. He further submits that the husband of the applicant is also involved in the present case, but the present applicant had already divorced her husband on 02.02.2022, a copy of which is annexed as **Annexure A-3**, and thereafter she never worked as Head Mistress at Mother India Convent School. He also submits that subsequent to the divorce from her husband/co-accused, the applicant has filed an application under Section 125 of the CrPC seeking grant of maintenance. Moreover, present applicant is a divorced lady with two children and in jail



since 29.11.2025 having no criminal antecedent, charge-sheet has been filed and the trial is likely to take some time for its conclusion. Therefore, he prays for grant of bail to the applicant.

4. On the other hand, learned State Counsel opposes the bail application and submits that the charge-sheet has been filed in the present case. He further submits that in conspiracy with the co-accused, they fraudulently operated a non-government school and dishonestly obtained Rs.22,52,281/- from the Education Department by falsely showing government school students as enrolled in the said school to claim fee and uniform reimbursement, the said incident pertains to the period from the year 2022 to 2025. The divorce between the applicant and the co-accused/husband took place in the year 2022, however, the applicant was very much residing with her husband thereafter. Further, documents pertaining to the school were recovered bearing her seal and signature. Therefore, the applicant is not entitled for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of offence, period of detention of the applicant since 29.11.2025, the fact that though the applicant allegedly in conspiracy with the co-accused / husband, fraudulently operated a non-government school and dishonestly obtained



Rs.22,52,281/- from the Education Department by falsely showing government school students as enrolled in the said school to claim fee and uniform reimbursement, but considering the fact that the applicant is a divorced lady having two children and has no criminal antecedent, further the charge-sheet has been filed, this Court is of the view that the applicant is entitled to be released on bail in this case.

7. Accordingly, the application is **allowed**.
8. Let the Applicant-**Smt. Shanti Tandan**, involved in Crime No. 607/2025 registered at Police Station Kharsiya, District- Raigarh (C.G.) for the offence punishable under Section 318(4), 3(5) of BNS, be released on bail on her furnishing a **personal bond** with **two sureties** in the like sum to the satisfaction of the Court concerned with the following conditions:-
 - (i) The applicant shall file an undertaking to the effect that she shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.
 - (ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of her absence, without sufficient cause, the trial court may proceed against her under Section 269 of Bharatiya Nyaya Sanhita.
 - (iii) In case, the applicant misuses the liberty of bail during trial and in order to secure her presence,



proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against her, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against her in accordance with law.

9. Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

Akhil