

IN THE HIGH COURT OF JHARKHAND AT RANCHI

**A.B.A. No. 2895 of 2020**

Navin Chandra Hansda ... Petitioner

- Versus -

The State of Jharkhand .... ... Opposite Party

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**CORAM: - HON'BLE MR. JUSTICE DR. S. N. PATHAK**

**(Through: Video Conferencing)**

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For Petitioner : Mr. Anil Kumar Sinha, Sr. Advocate

For Opp. Party : Ms. Snehilka Bhagat, APP

**02/09.09.2020**

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In view of COVID-19 pandemic, case has been taken up through Video Conferencing. Concerned lawyers have no objection with regard to the proceeding, which has been held through Video Conferencing today at 10:30 AM onwards. They have no complaint in respect to the audio and video clarity and quality.

The petitioner is apprehending his arrest in connection with Borio (J) P.S. Case No. 540 of 2019 for the offence registered under Section 409 of Indian Penal Code, pending before the Court of learned Sub Divisional Judicial Magistrate, Sahibganj.

Heard Mr. Anil Kumar Sinha, learned Sr. counsel for the petitioner and Ms. Snehilka Bhagat, learned APP for the State.

Mr. Anil Kumar Sinha, learned Sr. counsel appearing for the petitioner submits that the allegation, as alleged against the petitioner, is false, manufactured and afterthought. The FIR was lodged on 25.12.2019 and the allegations pertain to the years, 2005, 2006 and 2007 and as such, there is a delay of more than 12 years in lodging the FIR against the petitioner. He further submits that when the petitioner filed a case before this Hon'ble High Court, wherein vide order dated 16.01.2019 and 07.11.2019, a direction was given to file counter-affidavit, then the Opposite party had filed this FIR on 13.12.2019 and as such, the action of the concerned authorities is completely arbitrary and mala fide. Section 409 of the Indian Penal Code is not made out against the petitioner. Learned Sr. counsel further submits that due to in-action of concerned authorities, the petitioner has been suffering mentally and physically. Petitioner is a reputed person of the society and if, he is taken into custody, his image will be tarnished. There is no chance of

absconding of the petitioner or tampering with the evidence of the prosecution. He further submits that petitioner is ready to abide by any terms and conditions imposed upon him by this Hon'ble Court for grant of anticipatory bail. Hence, the petitioner be given the privilege of anticipatory bail.

Learned APP opposes the prayer for grant of anticipatory bail.

Considering the facts and circumstances of the case, I am inclined to grant the privilege of anticipatory bail to the petitioner. Hence, in the event of arrest by the police or surrender before the learned court below within a period of eight weeks' from the date of this order, the petitioner shall be enlarged on bail on depositing of Rs.2,00,000/- (Two Lakhs) by way of demand draft drawn in favour of the District Welfare Officer, Sahibganj as cash security, within a period of two months from today and furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of like amount each to the satisfaction of officer concerned, in connection with Borio (J) P.S. Case No.540 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

**(Dr. S. N. Pathak, J.)**