

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B. A. No. 3020 of 2020

1. Bangla Prasad Mahapatra			
2. Kanhu Charan Mahapatra	...		Petitioners
	Versus		
The State of Jharkhand & Anr.	...		Opposite Parties

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	: Mr. Vikas Kumar, Adv.
For the State	: Mr. S.K. Srivastava, Addl. P.P.

02/09.09.2020 Heard the parties through Video Conferencing.

Mr. Vikas Kumar, learned counsel for the petitioners personally undertakes to remove the defects pointed out by the Stamp Reporter within two weeks after the lockdown is over.

In view of the personal undertaking given by learned counsel for the petitioners, the defects pointed out by the Stamp Reporter are ignored for the present.

Apprehending their arrest, the petitioners have moved this Court for grant of privilege of anticipatory bail in connection with Seraikella P.S. Case No. 96 of 2019 registered under Sections 420/406/467/468/120B/34 of the Indian Penal Code.

Learned counsel appearing for the petitioners submits that the allegation against the petitioners is that the petitioners posing as land facilitator received Rs. 4,28,000/- each from the company of the informant to sell the land. It is then submitted that the allegations against the petitioners are all false. It is further submitted by learned counsel for the petitioners that the petitioners in collusion with the co-accused Sanjay Mahanty induced the informant to part with the said money. It is further submitted by learned counsel for the petitioners that there is no averment in the complaint that the petitioners

had any dishonest intention at the time of receipt of money. It is next submitted that the petitioners are ready to co-operate with the investigation of the case and also ready and willing to pay Rs. 4,28,000/- each as ad interim victim compensation to M/s Bravo Erection Pvt. Limited without prejudice to their defence and co-accused with similar allegations has already been granted privilege of anticipatory bail by this court vide order dated 17.03.2020 passed in ABA no. 1545 of 2020. It is further submitted by learned counsel for the petitioners that the dispute between the parties is at best a civil dispute hence, the petitioners be given the privilege of anticipatory bail.

The learned Addl. PP opposes the prayer for anticipatory bail of the petitioners.

Considering aforesaid facts and circumstances of the case, I am inclined to grant the privilege of anticipatory bail to the petitioners. Hence, in the event of arrest by the police or surrender within a period of four months from the date of this order, the petitioners shall be released on bail on depositing **Rs. 4,28,000/- each by way of demand draft drawn in favour** of M/s Bravo Erection Pvt. Limited as ad interim victim compensation and furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Seraikella in connection with Seraikella P.S. Case No. 96 of 2019 subject to the condition that the petitioners will co-operate with the Investigation of the case and will appear before the Investigating Officer as and when noticed by him and will submit mobile number and photocopy of *Aadhaar* card at the time of surrender in the court below with an undertaking not to change mobile number during the pendency of the case along with the other conditions laid down under section 438 (2) Cr. P.C.

In case of depositing aforesaid demand draft by the petitioners, learned court below is directed to issue notice to the authorized representative of M/s Bravo Erection Pvt.

Limited and release the demand draft in its favour on proper identification forthwith.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-