

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Criminal Miscellaneous Jurisdiction)
A.B.A. No. 3081 of 2020

Sumati Kachhap Petitioner
Versus
1. The State of Jharkhand
2. Shila Minz Opp. Parties

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO
(Through : Video Conferencing)

For the Petitioner : Mr. Sanjeev Thakur, Advocate.
For the State : Mr. Vineet Kumar Vashistha, A.P.P.

02/Dated: 09/09/2020

Heard, learned counsel for the petitioner, Mr. Sanjeev Thakur.

Learned counsel for the petitioner has submitted that defect nos. 5(e) and 9 (i) to (iv), as per Stamp Reporting dated 06.07.2020, have not been removed, which he undertakes to remove within 30 days after the physical court starts and prayed for hearing of the anticipatory bail application, as petitioner is apprehending his arrest during pandemic of Covid-19.

Considering the same, this Court is inclined to hear the instant anticipatory bail application on merits, but with condition that petitioner shall remove the defect(s) within 30 days after the physical court starts.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the physical court starts so as to remove the defect(s).

Learned counsel for the petitioner has submitted that the petitioner is apprehending his arrest in connection with Complaint Case No. 210/2010 for the offence registered under Sections 406, 420 I.P.C. and Section 138 of the N.I. Act.

Learned counsel for the petitioner has submitted that a complaint case was filed in the year 2010 with an averment that Rs.25,00,000/- has been given by the complainant for affiliation of his school, but no specific date has been mentioned, rather earlier another complaint case was filed vide Complaint Case No. 44/2010 before the C.J.M., Gumla, which was dismissed on 24.07.2010, as such, petitioner may be enlarged on anticipatory bail.

Learned counsel for the State, Vineet Kumar Vashistha, Additional Public Prosecutor has opposed the prayer of bail and has submitted that this case has arisen out of complaint case, as such, complainant is necessary party and complainant may be noticed by this Court to file counter affidavit.

Under the aforesaid circumstances, since the complainant has already been impleaded as opposite party no.2, let notice be issued to the opposite party no.2 under both process i.e. under registered cover with A/D as well as under ordinary process, for which requisites etc. must be filed within two weeks.

Put up this case after appearance of opposite party no.2 as well as on filing of the counter affidavit.

In the meantime, no coercive steps shall be taken against the petitioner / not to arrest the petitioner in connection with Complaint Case No. 210/2010, pending in the court of Chief Judicial Magistrate, Gumla.

(Kailash Prasad Deo, J.)

Sunil-Jay/