

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Criminal Miscellaneous Jurisdiction)
A.B.A. No. 3112 of 2020

1. Gulam Mustafa Ansari @ Gulam Ansari
2. Faizan Ansari
3. Md. Habibullah Ansari @ Habibi Ansari
4. Makbul Ansari
5. Nejamuddin Ansari @ Neyamuddin Ansari
6. Meraj Ansari
7. Alibux Ansari
8. Juman Ansari
9. Rehan Ansari
10. Salamat Ansari Petitioners

Versus

1. The State of Jharkhand
2. Jumman Ansari Opp. Parties

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

For the Petitioners : Mr. Suman Marandi, Advocate.
For the State : Mr. R.R.R. Das, A.P.P.

02/Dated: 09/09/2020

Heard, learned counsel for the petitioners, Mr. Suman Marandi.

Learned counsel for the petitioners has submitted that defect no. 9 (i), as per Stamp Reporting dated 07.07.2020, has 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 petitioners are apprehending their 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 petitioners 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 petitioners has submitted that the petitioners are apprehending their arrest in connection with Complaint Case No. 542/2018 for the offence registered under Sections 379/34 I.P.C.

Learned counsel for the petitioners has submitted that a complaint case has been filed vide Complaint Case No. 542/2018, in which cognizance of the offence has been taken under Sections 379/34 I.P.C. as there is several dispute between the parties and to pressurize these petitioners, criminal case has been filed.

Learned counsel for the petitioners has submitted that from perusal of the materiel brought on record, it will be apparent that Section 379 I.P.C. has been added just to make the case non-bailable.

Learned counsel for the State, Mr. R.R.R. Das, Additional Public Prosecutor has opposed the prayer for bail and has fairly submitted that notice may be issued to complainant / opposite party no.2 so that a counter affidavit be filed by the opposite party no.2.

Considering the rival submission of the parties, 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 requisite must be filed with a period of two weeks.

The State counsel as well as opposite party no.2 are at liberty to file detail counter affidavit.

Put up this case after appearance of opposite party no.2.

In the meantime, no coercive steps shall be taken against the petitioners / not to arrest of the petitioners in connection with Complaint Case No.542/2018, pending in the court of A.C.J.M., Lohardaga.

(Kailash Prasad Deo, J.)

Sunil-Jay/