

IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Criminal Miscellaneous Jurisdiction)

A.B.A. No. 3113 of 2020

1. Ganesh Kumar
 2. Santosh Kumar
 3. Vishal Jain
 4. Saurabh Kumar Jain @ Saurav Kumar Jain
 5. Prabhakar Kumar Verma @ Prabhakar Kr. Verma
 6. Vinay Kumar @ Vinay Kr.
 7. Sonu Kumar
 8. Mithlesh Kumar Rana
- Petitioners

Versus

The State of Jharkhand

.....Opposite Party

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO

Through:- Video Conferencing

For the Petitioners : Mr. A.K. Chaturvedy, Advocate
For the State : Md. Hatim, A.P.P.

02/Dated: 09/09/2020

Learned counsel for the petitioners has submitted that though there are defect nos. 4 and 9(i) to 9(v) in the bail application as pointed out by the stamp reporter but he has filed an undertaking that he shall remove the defects 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 anticipatory bail application on merits, but with condition that petitioners shall remove the defects 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 defects.

Heard, learned counsel for the petitioner, Mr. A.K. Chaturvedy and learned counsel for the State, Md. Hatim.

Learned counsel for the petitioners has submitted that petitioners are apprehending their arrest in connection with Itkhor P.S. Case No.102 of 2019, dated 26.09.2019, for the offence under Sections 406, 407 and 420/34 IPC as 17 named accused persons are staff of Pragya Kendra and they have not deposited the money collected to the tune of Rs.1,41,82,073.40/- from the consumers.

Learned counsel for the petitioners has submitted that on the basis of the letter written by the higher authority, FIR has been lodged against 17 named

accused persons. Petitioner No.3- Vishal Jain has deposited the entire amount of Rs. 18,30,100/- vide Annexures-2 and 2/1 and to that effect no objection has been issued. Petitioner No.5- Prabhakar Kumar Verma @ Prabhakar Kr. Verma has deposited Rs.7,50,000/-, out of Rs.14,34,305/- as apparent from Annexure-4. Petitioner No.7- Sonu Kumar has deposited a sum of Rs.4,05,300/-, out of Rs.30,41,489/-, as such, petitioners are trying to deposit the said amount, as such, they may be enlarged on anticipatory bail.

Learned counsel for the State has opposed the prayer for bail and has submitted that from perusal of FIR it will be apparent that how the 17 staff of Pragma Kendra have defalcated the huge amount.

It appears that some of the petitioners have deposited the amount and some of the petitioners have deposited part of the amount but such huge amount would have fetched interest in a considerable figure.

Learned counsel for the State has further submitted that Electricity Board may be added as a party so as to know the correct position of defalcated amount.

Considering the rival submission of the parties and looking to the facts and material brought on record, office is directed to add Principal Secretary, Energy-cum-Chief Managing Director, (Jharkhand Urja Vikash Limited) Jharkhand, Ranch as Opposite Party No.2.

Let notice be issued to the newly added O.P. 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 a period of two weeks to file a detail counter-affidavit as well as Standard Operative Procedure for collection of such huge amount which has been embezzled by the Government Employees/agents.

Counter-affidavit must be filed within a period of six weeks along with Standard Operative Procedure.

Learned State counsel is also directed to file a detail counter-affidavit.

Since the entire dues have been deposited by petitioner no.3 (Vishal Jain) and part of the amount has been deposited by petitioner no.5 (Prabhakar Kumar Verma @ Prabhakar Kr. Verma) and petitioner no.7 (Sonu Kumar), as such, these petitioners are granted interim protection / no corrosive steps be taken in connection with Itkhori P.S. Case No.102 of 2019 pending in the court of learned Additional Chief Judicial Magistrate, Chatra.

Put up this case after six weeks.

Office is directed to send a copy of this order through FAX to the Principal Secretary, Energy-cum-Chief Managing Director, (Jharkhand Urja Vikash Limited) Jharkhand, Ranchi.

(Kailash Prasad Deo, J.)

sandeep/R.S.