

IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Criminal Miscellaneous Jurisdiction)

A.B.A. No. 3116 of 2020

Sunil Kumar

..... Petitioner

Versus

The State of Jharkhand

.....Opposite Party

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO

Through:- Video Conferencing

For the Petitioner

: Md. Nasim Akhtar, Advocate

For the State

: Mr. Bhola Nath Ojha, A.P.P.

02/Dated: 09/09/2020

Learned counsel for the petitioner has submitted that though there are defect nos. 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 petitioner is apprehending his 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 petitioner 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, Md. Nasim Akhtar and learned counsel for the State, Mr. Bhola Nath Ojha.

Learned counsel for the petitioner has submitted that petitioner is apprehending his arrest in connection with Complaint Case No.1044 of 2018, for the offence under Sections 406, 420, 323/34 IPC.

Learned counsel for the petitioner has submitted that in the complaint petition it has been alleged by the complainant that he has paid a sum of Rs.11,59,000/- to the petitioner and others for providing a job to his son.

Learned counsel for the petitioner has further submitted that in view of the statement made in the para 8 of the petition, petitioner has not received a single farthing from the complainant rather complainant has invested money and to that effect a false case has been instituted against the petitioner, as such, a false case has been instituted against the petitioner as father of the complainant has friendship with father of the petitioner and there was a business agreement.

Learned counsel for the State has opposed the prayer for bail and has submitted that it would be proper if notice is issued to the complainant.

Learned counsel for the State has further submitted that co-accused, Rita Kumari has preferred another anticipatory bail application which is pending before this Court.

Considering the rival submission of the parties, office is directed to implead complainant 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.

O.P. No.2 may file a detail counter-affidavit after appearance.

State counsel may also file a detail counter-affidavit.

Let the case be listed along with anticipatory bail application filed by co-accused, Rita Kumari and another analogous cases arising out of the same complaint petition.

This Court has not granted any interim relief in favour of the petitioner.

(Kailash Prasad Deo, J.)