

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**A.B.A. No. 3152 of 2020**

Ashish Kumar Chaubey ..... Petitioner(s)

-V e r s u s-

The State of Jharkhand ..... Opposite Party(s)

**CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner(s) ..... : Mr. A.K.Chaturvedy, Advocate

For the State ..... : A.P.P

2/09.09.2020 ..... Heard through V.C.

As prayed for by learned counsel for the petitioner, the defects as pointed out by the office are hereby ignored for the time being.

The petitioner is apprehending his arrest in connection with Kandi P.S. Case No. 21 of 2020, registered for the offence under Sections 379, 411, 34 of the Indian Penal Code, Section 54 (1), 52(5) of JMMCAR 2017 and Section 21 of MM(DR) Act, 1957.

Learned counsel for the petitioner submits that the petitioner is innocent person and has been falsely implicated in this case. He further submits that the petitioner is the owner cum driver of the seized tractor. He further submits that he has never been involved in any transportation of sand, but merely on the basis of ownership he has been implicated in this case. The petitioner is the local person and is having movable and immovable property within the jurisdiction of the learned trial court and there is no chance of absconding or tempering with the evidence and he is having no criminal antecedents.

Learned Addl. P.P. opposes the prayer for bail.

Taking into consideration the overall circumstances, I am inclined to allow this application. The petitioner, named above, is directed to surrender before the court below within four weeks from today and in the event of his arrest/surrender, the court below is directed to enlarge him on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Garhwa, in connection with Kandi, P.S. Case no. 21 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Deepak Roshan, J.)**

Amardeep/