

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 3237 of 2020

Shibaji Banerjee @ Shivaji Banerjee ...	Versus	Petitioner
The State of Jharkhand	...	Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	:	Mr. Indrajit Sinha, Advocate
For the State	:	Mrs. N. Sharmin, Addl. P.P.

Order No.02 Dated- 10.09.2020

Heard the parties through video conferencing.

Learned counsel for the petitioner personally undertakes to remove the defects as pointed out by the stamp reporter within two weeks after the lockdown period is over.

In view of the personal undertaking of the learned counsel for the petitioner, the defects pointed out by the stamp reporter are ignored for the present.

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Mango (Olidih) P.S. Case No.146 of 2019 registered under sections 420/504/506/34 of the Indian Penal Code.

The learned counsel for the petitioner seeks permission of this Court to implead informant as opposite party no.2 of this anticipatory bail application.

The petitioner is directed to incorporate the name of informant as opposite party no.2 of this anticipatory bail application, within a week after the lockdown period is over.

The Learned counsel for the petitioner submits that the allegation against the petitioner is that petitioner along with co-accused persons have cheated and misappropriated a sum of Rs.14,14,087/-. It is further submitted that the petitioner is an employee of Hindustan Unilever Limited and working as Assistant CQA Manager and the informant firm namely M/s. Aastha Enterprises was appointed as a Redistribution Stockist by Hindustan Unilever Limited and the allegation of the informant is

that he has not received the articles in respect of the order placed by him by two invoices is contradictory to issuing of Debit Notes by the informant which shows that the buyer in this case intimated to the seller that the goods has been received by the informant and after rejection of the informant firm, the Hindustan Unilever Limited has paid the entire dues. It is next submitted that there is no specific allegation of deception against the petitioner personally and the dispute is basically a civil dispute. Hence, it is submitted that the petitioner be given the privilege of anticipatory bail.

Let notice be issued to the newly impleaded opposite party no.2 under registered cover with A/D as well as under ordinary process for which requisites etc. must be filed within two weeks by the petitioner, failing which, this application shall stand dismissed without further reference to the Bench.

The learned Addl. P.P. opposes the prayer for anticipatory bail.

List this case on 03.11.2020.

Considering the submissions of the counsels and the fact as discussed above, I am inclined to pass an interim order of anticipatory bail *provisionally* till 03.11.2020. In case of the petitioner being arrested by the police on or before 03.11.2020, he shall be released on bail provisionally on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five thousand) with two sureties of like amount each to the satisfaction of the officer concerned in connection with Mango (Olidih) P.S. Case No.146 of 2019 subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Choudhary, J.)

Gunjan-