

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.6410 of 2021

Santosh Kumar Swarnkar @ Santosh Kr. Swarnkar

.... Petitioner

Versus

The State of Jharkhand

.... Opposite Party

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Shashi Kant Thakur, Advocate

For the State : Ms. Nehala Sharmin, Addl.P.P

Order No.02 Dated- 08.09.2021

Heard the parties through video conferencing.

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

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

Apprehending his arrest in connection with Sahibganj (T) P.S. Case No.18 of 2021 instituted under Sections 419, 420, 406, 467, 468, 120B, 34 of the Indian Penal Code, the petitioner has moved this Court for grant of privileges of anticipatory bail.

Learned counsel appearing for the petitioner submits that the allegation against the petitioner is that the petitioner took a gold loan of Rs.5,95,000/- from the informant-Bank by giving spurious gold in criminal conspiracy with the co-accused persons. It is submitted that the allegation against the petitioner is false. It is next submitted that the petitioner has not escaped any of installments of the loan in any manner. It is further submitted that the dispute between the parties is basically a civil dispute. It is also submitted that the petitioner is ready and willing to liquidate all his dues and to furnish 'No Dues Certificate' from the informant-Bank in respect of the loan in connection which with the F.I.R of this case has been registered. It is lastly submitted that the petitioner is ready and willing to co-operate with the investigation of the case. Hence, it is submitted that the petitioner be given the privileges of anticipatory bail.

Learned Addl.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions of learned counsels and the facts and

circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioner. Accordingly, the petitioner is directed to surrender in the Court of learned C.J.M., Sahibganj within four months from today and in the event of his arrest or surrendering, he will be enlarged on bail on furnishing 'No Dues Certificate' from the informant-Bank in respect of the loan in connection which with the F.I.R of this case has been registered and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sahibganj in connection with Sahibganj (T) P.S. Case No.18 of 2021 **with the condition that he will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish his mobile number and photocopy of the Aadhar Card with an undertaking that he will not change his mobile number during the pendency of the case** and further conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In case the petitioner approaches the informant-Bank to deposit all its dues in respect of the loan in connection which with the F.I.R of this case has been registered, the informant-Bank is directed to receive all its dues in connection with the said loan and to issue 'No Dues Certificate' to the petitioner after realizing all its dues in connection with the said loan.

(Anil Kumar Choudhary, J.)