

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.6457 of 2021

1. Tunu Tirkey					
2. Manish Tirkey					
3. Anit @ Amit Tirkey	Petitioners	
	Versus				
The State of JharkhandOpposite Party	

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners	: Mr. Nilesh Kumar, Advocate
For the State	: Mr. Rajneesh Vardhan, Addl.P.P

Order No.02 Dated- 09.09.2021

Heard the parties through video conferencing.

Learned counsel for the petitioners 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 petitioners, the defects pointed out by the stamp reporter are ignored for the present.

Apprehending their arrest in connection with Mandu(Kuju) P.S. Case No. 46 of 2021 arising out of Complaint Case No.266 of 2020 instituted under Sections 420, 406/34, 120-B of the Indian Penal Code, the petitioners have moved this Court for grant of privileges of anticipatory bail.

Learned counsel appearing for the petitioners submits that the allegation against the petitioners is that the petitioners along with the co-accused person in furtherance of their common intention and in criminal conspiracy have misappropriated Rs.15 lakhs of the informant by cheating him in the name of selling land. It is next submitted that only because the petitioner no.1 being father-in-law and the petitioner nos. 2 and 3 being brother-in-law of the co-accused-Aman Oraon who is a land broker, hence they have been implicated in this case. It is further alleged that Rs.24,000/- has been transferred in the account of the petitioner no.1 and Rs.44,000/- was transferred to the account of petitioner no.2 by the informant and the said amount was given to the co-accused-Aman Oraon and the co-accused-Aman Oraon issued a cheque of Rs.15 lakhs to the informant and because of incomplete signature, the same was dishonoured. It is submitted that the allegation against the petitioner is false. It is further submitted that the main allegation is against the co-accused Aman Oraon. It is lastly submitted that the petitioners are ready and willing to cooperate with the investigation of the case and the petitioner no.1 undertakes to

pay Rs.24,000/- and petitioner no.2 undertakes to pay Rs.44,000/- without prejudice to their defence in this case to the informant. Hence, it is submitted that the petitioners be given the privileges of anticipatory bail.

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

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioners. Accordingly, the petitioners are directed to surrender in the Court within eight weeks from today and in the event of their arrest or surrendering, the petitioner no.1 and the petitioner no.2 will be enlarged on bail on depositing the demand drafts of Rs.24,000/- and Rs.44,000/- respectively without prejudice to their defence in this case drawn in favour of the informant and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM, Ramgarh in connection with Mandu(Kuju) P.S. Case No. 46 of 2021 arising out of Complaint Case No.266 of 2020 **with the condition that they will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish their mobile number and photocopy of the Aadhar Card with an undertaking that they will not change their mobile number during the pendency of the case** and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In case the petitioner nos.1 and 2 deposit the said demand draft, the court below is directed to issue notice to the informant and on his proper identification, the court below shall handover the same to him forthwith.

(Anil Kumar Choudhary, J.)