

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 6480 of 2021

K. Gopal Rao	...	Petitioner
	Versus	
The State of Jharkhand	...	Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	: Mr. J.N. Upadhyay, Advocate	
For the State	: Mr. Arup Kr. Dey, Addl. P.P.	

Order No.02 Dated- 09.09.2021

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 Bistupur P.S. Case No.11 of 2021 registered under sections 188/406/436(5)/34 of the Jharkhand Municipal Act read with section 17(1) (2) (3) of the Jharkhand Apartment Ownership Act, 2011 and under section 188/420 of the Indian Penal Code.

The Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner was constructing his house in violation of the sanctioned plan and he has been issued notice to deposit the fine amount of Rs.1,00,000/- by the Jharkhand Notified Area Committee. It is further submitted that the allegations against the petitioner are all false. It is then submitted that the petitioner is ready and willing to deposit the fine amount of Rs.1,00,000/- with the Jharkhand Notified Area Committee without prejudice to his defence in this case, subject to final decision of the case and undertakes to cooperate with the investigation of the case. Hence, it is submitted that the petitioner be given the privilege of anticipatory bail.

Learned Addl. P.P. opposes the prayer for grant of anticipatory bail.

Considering the submissions of the counsels and the fact as discussed above, I am of the opinion that it is a fit case where the above named petitioner be given the privilege of anticipatory bail. Hence, in the event of his arrest or surrender within a period of eight weeks from the date of this order, he shall be released on bail on showing the proof of deposit of Rs.1,00,000/- with the Jharkhand Notified Area Committee without prejudice to his defence in this case, subject to final decision of the case and on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Jamshedpur, in connection with Bistupur P.S. Case No.11 of 2021 with the condition that the petitioner will cooperate with the investigation of the case and appear before the Investigating Officer as and when noticed by him and will furnish his mobile number and a copy of his Aadhar Card in the court below with the undertaking that he will not change his mobile number during the pendency of the case subject to the conditions laid down under section 438 (2) Cr. P.C.

At the time of conclusion of the trial, the trial court will pass appropriate order regarding the money if any, deposited by the petitioner with the Jharkhand Notified Area Committee in connection with this case.

(Anil Kumar Choudhary, J.)

Sonu/Gunjan-