

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 6505 of 2021

Talo Manjhi @ Talo Marandi ...	Petitioner
Versus	
The State of Jharkhand ...	Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	: Mr. Rajesh Kumar, Advocate
For the State	: Mr. P.D. Agrawal, Spl. 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 Complaint (Forest) Case No.326 of 2020 registered under sections 33 of the Indian Forest Act.

The Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner has constructed a house over the forest land by encroaching over 05 decimals of land inside the Rikwa Forest Area and the same is being used by the petitioner for business purpose. 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 Rs.7,000/- with the Divisional Forest Officer, Ramgarh without prejudice to his defence in this case, subject to final decision of this case and undertakes to cooperate with the trial of the case and also undertakes that he will demolish the said construction made by him over the forest land and will produce a certificate issued by the informant that he has demolished the said construction made by him over 05 decimals of forest land and also undertakes that he will not go to or over the

place of occurrence land or any other forest land during the pendency of the case. Hence, it is submitted that the petitioner be given the privilege of anticipatory bail.

Learned Spl. 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 six weeks from the date of this order, he shall be released on bail on producing a certificate issued by the informant that the petitioner has demolished the building constructed by him over the said 5 decimals of forest land and on showing the proof of deposit of Rs.7,000/- with the Divisional Forest Officer, Ramgarh without prejudice to his defence in this case, subject to final decision of this 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 J.M. 1st Class, Hazaribagh, in connection with Complaint (Forest) Case No.326 of 2020 with the condition that the petitioner will cooperate with the trial of the case with further condition that he will not go to or over the place of occurrence land or any other forest land 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 orders regarding the amount, if any, deposited by the petitioner with the Divisional Forest Officer, Ramgarh in connection with this case.

(Anil Kumar Choudhary, J.)