

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No.6555 of 2021

1. Imamul Hoda Khan
2. Kamran Khan @ Kamran Ali Khan
..... Petitioners
Versus
The State of JharkhandOpposite Party

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mrs. Shamma Parveen, Advocate
For the State : Mr. Sunil Kumar Dubey, Addl.P.P

Order No.02 Dated- 10.09.2021

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 Giridih(T) P.S. Case No. 282 of 2017 (G.R. No.2825 of 2017) instituted under Sections 420, 379 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 got their vehicle repaired with the informant costing Rs.2,05,964/- in total and the insurance company approved of Rs.1,46,000/- and a sum of Rs.59,964/- was to be paid by the petitioner, apart from that the petitioners had purchased some extra articles for which additional cost of Rs.48,671/- was to be paid by the petitioners and in this way altogether, the petitioners was required to pay Rs.1,08,635/- to the informant over and above ₹ 146,000/- to be paid by the insurance company but instead of paying the said amount, the petitioners snatched away Rs.5,000/- from the pocket of the informant at the point of revolver and took away the said car. It is submitted that the allegation against the petitioners are false. It is lastly submitted that the petitioners are ready and willing to co-operate with the investigation of the case and undertake to jointly pay Rs.1,13,635/- without prejudice to their defence in this case to the informant, subject to final decisions of this case and will also

ensure that Rs.1,46,000/- has been paid by the Insurance Company 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 six weeks from today and in the event of their arrest or surrendering, the petitioners will be enlarged on bail on showing proof that Rs. 1,46,000/- has been paid by the Insurance Company to the informant and on jointly depositing a demand draft of Rs.1,13,635/- drawn in favour of the informant without prejudice to their defence in this case or in alternative if they fail to show the proof that Rs. 1,46,000/- has been paid by the Insurance Company to the informant then on jointly depositing a demand draft of ₹ 2,59,635/- 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 CJM, Giridih in connection with Giridih(T) P.S. Case No. 282 of 2017 (G.R. No.2825 of 2017) **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 petitioners 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.

In case the petitioners deposits the said amount learned court below will pass appropriate order regarding the same at the time of conclusion of trial.

(Anil Kumar Choudhary, J.)