

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 6161 of 2021

Ali Asgar Barad	...	Petitioner
Versus		
The State of Jharkhand & Anr.	...	Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	: Mr. A. Allam, Sr. Advocate
	: Mr. Faisal Allam, Advocate
For the State	: Mr. Vandana Bharti, Addl. P.P.
For O.P. No.2	: Mr. Saket Upadhyay, Advocate

Order No.02 Dated- 06.09.2021

Heard the parties through video conferencing.

Learned Senior Advocate appearing 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 Senior Advocate appearing 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 R.I.T. (Seraikella) P.S. Case No.191 of 2020 registered under sections 406/420/467/468/34 of the Indian Penal Code.

The Learned Senior Advocate appearing for the petitioner submits that the allegation against the petitioner is that the petitioner has taken Rs.5,25,000/- from the informant but is not repaying the same nor supplying articles for which he has taken the same. It is further submitted that the allegations against the petitioner are all false and there is no allegation of any dishonest intention on the part of the petitioner at the time of alleged entrustment of money to him. It is then submitted that the petitioner is ready and willing to pay Rs. 5,25,000/- to the informant without prejudice to his defence in this case, subject to final decision of the case and the petitioner reserves his right to

realize his dues from the informant by the suitable legal proceeding 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. and the learned counsel for the opposite party no.2 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 twelve weeks from the date of this order, he shall be released on bail on depositing a demand draft of Rs. 5,25,000/- drawn in favour of informant without prejudice to his defence in this case, subject to final decision of the case and also relief is allowed to the petitioner to realize his dues from the informant by the suitable legal proceeding 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., Seraikella, in connection with R.I.T. (Seraikella) P.S. Case No.191 of 2020 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.

In case, the petitioner deposits the aforesaid demand draft, the court below is directed to issue notice to the informant and hand over the said demand draft to him, after proper identification.

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 informant in connection with this case.