

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 6221 of 2021

Anupama Sudha Toppo	...	Petitioner
Versus		
The State of Jharkhand & Anr.	...	Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	: Mr. Anurag Kashyap, Advocate	
For the State	: Mr. P.D. Agrawal, Spl. P.P.	

Order No.02 Dated- 06.09.2021

Heard the parties through video conferencing.

Apprehending her arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Kadma P.S. Case No.66 of 2021 registered under sections 406/420 of the Indian Penal Code and under section 138 of the N.I. Act.

The Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner took a friendly loan of Rs.7,22,000/- and issued a cheque for that which was dishonoured. It is further submitted that the allegations against the petitioner are all false and there is no allegation against the petitioner of any dishonest intention at the time of alleged entrustment of money to her. It is then submitted that the petitioner has taken only Rs.1,00,000/- from the informant and gave a blank cheque as security to the informant which has been fraudulently used by the informant by filling a much higher amount in the said cheque. It is further submitted that the offence punishable under section 138 of the N.I. Act is bailable one and the informant has no means to pay such amount of money of more than ₹ 7 lakhs. It is next submitted that the petitioner is ready and willing to pay Rs.1,00,000/- to the informant without prejudice to her 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 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 her arrest or surrender within a period of four months from the date of this order, she shall be released on bail on depositing a demand draft of Rs.1,00,000/- drawn in favour of informant without prejudice to her defence in this case and 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 S.D.J.M., Jamshedpur, in connection with Kadma P.S. Case No.66 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 her mobile number and a copy of her Aadhar Card in the court below with the undertaking that she will not change her 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 amount by way of demand draft drawn in favour of the informant, the court below is directed to issue notice to the informant and hand over the said demand draft to her, after proper identification.

At the time of conclusion of the trial, the learned trial court will pass appropriate orders regarding the amount, if any, deposited by the petitioner with the informant in connection with this case.

(Anil Kumar Choudhary, J.)

Sonu/Gunjan-