

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**[CRIMINAL MISCELLANEOUS JURISDICTION]**  
**B.A. No. 4646 of 2020**

1. Manoj Kumar Sood  
2. Aarti Sood ..... Petitioners

**Versus**

The State of Jharkhand ..... Opposite Party

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**CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO**  
**(Through : Video Conference)**

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For the Petitioners : Mr. Suraj Singh, Advocate  
For the State : Mr. Ravi Prakash, A.P.P  
For the Informant : Mr. Indrajit Sinha, Advocate

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**02/Dated: 27/07/2020:**

Learned counsel for the petitioners has submitted that though there is defect in the bail application as pointed out by the stamp reporter but he has filed an undertaking that he shall remove the defect(s) after the lockdown period is over and the bail application may be heard as it is a regular bail in which petitioners are in custody since 07.03.2020.

Considering the same, this Court is inclined to hear the bail application on merit but with condition that petitioners shall remove the defect(s) after the lockdown period is over.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the lockdown period is over so as to remove the defect(s).

Heard, learned counsel for the petitioners and learned counsel for the State as well as learned counsel for the informant.

Learned counsel for the petitioners, Mr. Suraj Singh has prayed for grant of regular bail on behalf of both the petitioners in connection with Balidih P.S. Case No.206 of 2019, corresponding to G.R. Case No.376 of 2020 for the offence under Sections 406, 420, 506 & 34 of the Indian Penal.

Learned counsel for the petitioners has submitted that on the basis of forged agreement purported to be signed by the petitioners, a case has been instituted before the Bokaro Police Station in connivance with the police and the police has arrested these petitioners along with entire family members.

Learned counsel for the petitioners has further submitted that though he is not admitting his signature as there was a talk of sale for which the informant has transferred Rs.53,60,000/- in the account of the petitioner's family between the month of April, 2018 to November, 2019, but the sale has failed and to pressurize the petitioners, criminal case has been lodged subsequently followed by a Civil Suit bearing No.118 of 2019 before the Hon'ble High Court of Himachal Pradesh at Shimla for specific performance of contract in which interim order has been passed

vide O.M.P. No.626 of 2019 on 01.01.2020 to maintain *status quo*.

Learned counsel for the petitioners has further submitted that petitioners are ready to deposit Rs.53,60,000/- before the court below so as to release them on provisional bail and allow the petitioners to contest the Civil Suit as well as the criminal case as the entire family members are in custody.

Learned counsel for the petitioners has further submitted that it is surprising that Bokaro Police has arrested these petitioners without following the mandatory provisions enshrined under Section 41A of the Cr.P.C. and the charge-sheet has already submitted in this case, as such, the petitioners may be enlarged on provisional bail.

Learned counsel for the State, Mr. Ravi Prakash, A.P.P. has opposed the prayer for bail.

Learned counsel for the informant, Mr. Indrajit Sinha while opposing the prayer for bail and has submitted that petitioners may be directed to deposit Rs.53,60,000/- as submitted before this Hon'ble Court and the same may be released in favour of the informant. Learned counsel for the informant has further submitted that if the petitioners are granted bail, this Court must ensure the appearance of the petitioners otherwise these petitioners will abscond from the criminal trial as police after long chase could arrest them from Punjab as they have fled from Himachal Pradesh, their native place.

Learned counsel for the informant has further submitted that notice under Section 41A Cr.P.C. has been received by the petitioners but they have not appeared before the police, as such, police had reason to arrest these persons as there is huge amount involved in this fraud. As such, police, after issuance of non-bailable warrant of arrest by the competent court these petitioners have been arrested by police from Punjab.

Considering the rival submissions of the parties and perusing the materials brought on record, it appears that the money transaction of Rs.53,60,000/- between the month of April, 2018 to November, 2019 in the bank account has been admitted by the petitioners. The petitioners are now ready and willing to deposit the said amount before the learned trial court. It appears that the informant has also filed a Civil Suit No.118 of 2019 before the Hon'ble High Court of Himachal Pradesh at Shimla for specific performance of contract but the agreement is not admitted by the petitioners, as such, this Court directs the petitioners named above to be released on **provisional bail** on furnishing bail bonds of Rs. 50,000/- (Rupees Fifty Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bokaro in connection with Balidih P.S. Case No.206 of 2019, corresponding to G.R. Case No.376 of 2020 on the following conditions:-

(i) One of the bailor shall be deponent of the present petition namely, Vijay Kumar, S/o Rajendra Lal, R/o Ghugharitand, Gaya, Bihar having UID Card No.765081334648.

(ii) Office is directed to send photo copy of the UID Card of the deponent submitted by him in the present application before this Court to the court below so as to verify about the identity of the deponent.

(iii) Another bailor shall be Government Servant/father of one of the petitioners.

(iv) Petitioners shall deposit Rs.53,60,000/- by way of bank draft before the learned trial court in the name of the informant and the trial court shall release the same after obtaining an affidavit from the informant. Parties are at liberty to amicably settle their dispute. If the amount of Rs.53,60,000/- is paid within a period of 60 days from the date of Provisional bail, the same shall be made absolute on the conditions as stated above.

(v) The Jail Authority shall release the petitioners only after their medical check-up.

(vi) The Civil Surgeon, Bokaro is directed to medically examine the petitioners at the time of their release and if require, petitioners shall be taken for quarantine, but if no such requirement is there, they shall be released forthwith, if not wanted in any other case.

(vii) Petitioners shall appear before the learned trial court on each and every date fixed for their appearance, failing which the trial court shall cancel the bail bonds of the petitioners.

(viii) If the petitioners fail to deposit the said amount within 60 days of their provisional bail, the trial court shall cancel their bail bonds and take them into custody forthwith.

(ix) Petitioners shall also comply with all the guidelines issued by the Government to meet the challenges of Covid-19, as the country is passing through Pandemic of Covid-19.

**( Kailash Prasad Deo, J.)**