

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**A.B.A. No.1640 of 2021**

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Sajid Zeya Khan ..... Petitioner  
Versus  
The State of Jharkhand ..... Opposite Party  
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**CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

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For the Petitioner : Mr. Aashish Kr., Advocate  
For the State : Mr. Pradeep Kr. Verma, Addl.P.P  
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**Order No.02 Dated- 17.04.2021**

Heard the parties through video conferencing.

Learned counsel for the petitioner 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 petitioner, the defects pointed out by the stamp reporter are ignored for the present.

Apprehending his arrest in connection with Chutia P.S. Case No.190 of 2017 arising out of Complaint Case No.696 of 2017 instituted under Sections 420, 467, 468, 120B of the Indian Penal Code, the petitioner has moved this Court for grant of privileges of anticipatory bail.

Learned counsel for the petitioner submits that the allegation against the petitioner is that the informant entered into an agreement with the IndusInd Bank and purchased one truck and as per the agreement, the informant had to pay a sum of Rs.7,89,000/- through E.M.I. and a sum of Rs.6,25,0585/- has already been repaid by the informant to the said Bank but the informant failed to pay the rest E.M.I. and the petitioner being the State Product Head (Used Vehicles) of the said IndusInd Bank, repossessed the vehicle and got the said vehicle sold in an auction sale and an arbitration proceeding was initiated by the bank for a claim of Rs.1,78,923/- but the transfer of the ownership of the said vehicle has not been made in the name of purchaser of the vehicle by the Bank and a sum of Rs.73,000/- has become due towards Road Tax in the name of the informant and thus, it is alleged that the petitioner has cheated the informant in criminal conspiracy with the co-accused persons and has also forged documents. It is submitted that the allegation against the petitioner is false. It is next submitted that as the informant did not pay the outstanding amount of Rs.92,000/- in spite of notice to him as well as to his guarantor in his said loan account and even after service of legal notice but the

informant himself on 13.02.2010 surrendered the vehicle and requested the Branch Manager of IndusInd Bank Ltd. to take possession of the vehicle which was done by the Bank and the bank after sell of the said vehicle by way of auction sale, sent notice of intimation to the informant and the said vehicle was auctioned to one Mr. Dilip Bakuli who was the highest bidder for Rs.2,10,000/- and as per the agreement entered into between the Bank and Mr. Dilip Bakuli, the liability of payment of access was on the said purchaser Mr. Dilip Bakuli and in this respect, learned counsel for the petitioner draws the attention of this Court towards page-46 of the brief which is the copy of the letter of the IndusInd Bank addressed to the said Mr. Dilip Bakuli and in the said letter Mr. Dilip Bakuli has agreed and accepted the terms and conditions mentioned therein including that any arrear, taxes, expenses, penalties as well as all expenses for transfer of ownership of the said vehicle was to be borne by Mr. Dilip Bakuli. It is next submitted that the dispute between the parties is basically a civil dispute and the petitioner is no way personally liable for the same. It is lastly submitted that the petitioner is ready and willing to co-operate with the investigation of the case. Hence, it is submitted that the petitioner be given the privileges of anticipatory bail.

Learned Addl.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioner. Accordingly, the petitioner is directed to surrender in the Court of learned J.M.- 1<sup>st</sup> Class, Ranchi within six weeks from today and in the event of his arrest or surrendering, he will be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned J.M.- 1<sup>st</sup> Class, Ranchi in connection with Chutia P.S. Case No.190 of 2017 arising out of Complaint Case No.696 of 2017 **with the condition that he will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish his mobile number and photocopy of the Aadhar Card with an undertaking that he will not change his 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.

**(Anil Kumar Choudhary, J.)**