

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No.1202 of 2021

Subhash Kapri

.... Petitioner

Versus

The State of Jharkhand

.... Opposite Party

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. S. P. Roy, Advocate

For the State : Mr. P. K. Chatterjee, Addl.P.P

Order No.02 Dated- 25.03.2021

Heard the parties through video conferencing.

Learned counsel for the petitioner undertake 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 Godda (M) Motiya O.P. P.S. Case No.281 of 2020 instituted under Sections 379, 411 of the Indian Penal Code, Section 4/54 of Jharkhand Minor Minerals Concessions Rules, 2004 (as amended) and Rules 9/13 of the Jharkhand Minerals (Prevention of Illegal Mining, Transportation & Storage) Act, 2017, the petitioner has moved this Court for grant of privileges of anticipatory bail.

Learned counsel appearing for the petitioner submits that the allegation against the petitioner is that the petitioner is the owner of the tractor bearing registration No. JH 17K 0863 which was involved in illegal excavation of sand. It is submitted that the allegation against the petitioner is false. It is next submitted that the petitioner had no information about his vehicle being involved in any illegal activity. Drawing attention of this Court towards para-14 of the instant bail application, learned counsel for the petitioner submits that the petitioner has no criminal antecedent. It is lastly submitted that the petitioner is ready and willing to co-operate with the investigation of the case and to furnish sufficient security including cash security. Hence, it is submitted that the petitioner be given the privileges of anticipatory bail.

Learned A.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 C.J.M., Godda within six weeks from today and in the event of his arrest or surrendering, he will be enlarged on bail on depositing **Rs.5,000/-(Rupees five thousand) as cash security** and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Godda in connection with Godda (M) Motiya O.P. P.S. Case No.281 of 2020 **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.)

Animesh/