

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.1280 of 2021

Binay Kumar Chauhan	...	Petitioner
	Versus	
The State of Jharkhand	...	Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	: Mr. S.K. Singh, Advocate
For the State	: Mr. V. Bharti, Addl. P.P.

Order No.02 Dated- 05.04.2021

Heard the parties through video conferencing.

Learned counsel 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 counsel 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 Panki P.S. Case No.122 of 2019 registered under sections 420/406 of the Indian Penal Code.

The Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner has cheated and committed criminal breach of trust of the informant bank by not repaying its loan. It is further submitted that the allegations against the petitioner are all false and drawing attention of this court to Anexure-2 at page no.17 of the brief, it is submitted that on 29.02.2020 a sum of Rs.1,83,900/- was liable to be paid by the petitioner to the informant bank and the petitioner is ready and willing to repay the said amount in monthly installments of Rs.16,000/-. It is then submitted that the petitioner is ready and willing 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. opposes the prayer for grant of anticipatory bail.

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., Palamau at Daltonganj within four weeks from today and in the event of his arrest or surrendering, he will be enlarged on bail **provisionally** for a period of one month from the date of his surrender on showing the proof of deposit of Rs.16,000/- with the informant bank 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., Palamau at Daltonganj in connection with Panki P.S. Case No.122 of 2019 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. In case of the petitioner on showing proof of another deposit of Rs.16,000/- with the informant bank within the period for which the provisional bail is granted, then the provisional bail shall be extended for further one month from the date of his deposit by the trial court. Accordingly, on showing the proof of each deposit of Rs.16,000/- drawn in favour of the informant bank, the provisional bail granted to the petitioner shall be extended for a period of one month and on the petitioner showing the proof of last deposit with the informant bank thereby completing payment of the total amount of Rs. 1,83,900/- on or before twelve months from the date of his surrender in the learned court below, the provisional bail granted to the petitioner shall be confirmed by the trial court till disposal of the case.

It is made clear that in case of failure of the petitioner to deposit any of the installments, the provisional bail granted to the petitioner shall be cancelled and the trial court will take appropriate steps for his apprehension for facing the trial.

(Anil Kumar Choudhary, J.)