

IN THE HIGH COURT OF JHARKHAND, RANCHI.

A.B.A. No. 3440 of 2013

1.Narayan Karmali

2.Upendra Kumar Ojha

. Petitioner(s)

Versus

State of Jharkhand

Opp.Party(s)

CORAM :- HON'BLE MR. JUSTICE P.P. BHATT

For the Petitioner(s)

:- Mr. Nileshe Kumr

For the State

:- A.P.P.

4-31.10.2013

Present anticipatory bail application has been filed under sections 438 and 440 of the Code of Criminal Procedure seeking anticipatory bail as the petitioners are apprehending their arrest in connection with Forest Case No. 88 of 2008 for the alleged offence under sections 33/41/42 of Indian Forest Act now pending in the court of learned A.C.J.M Ranchi..

Heard learned counsel appearing for the petitioners as well as learned APP appearing on behalf of the State. Perused the FIR and papers attached to this petition

Learned counsel for the petitioners submitted that petitioners are innocent persons and they have been falsely implicated in the alleged crime. It is submitted that incident was reported on 22.8.2008 and thereafter cognizance of the offence was taken after the lapse of two years 11 months i.e on 7.7.2011 by the court of learned Chief Judicial Magistrate Ranchi which is barred by limitation under section 468 of Cr.P.C.

Learned A.P.P. while opposing the anticipatory bail submitted that there are specific allegation against the petitioners of having involvement of the alleged offence under sections 33/41/42 of the Indian Forest Act and looking to the seriousness of the allegation and gravity of the offence, the petitioners may not be enlarged on anticipatory bail. .

Considering the aforesaid rival submissions and having regard to the facts and circumstances of the present case and also considering the fact that incident was reported on

22.8.2008 and thereafter cognizance of the offence was taken after the lapse of two years 11 months i.e on 7.7.2011 by the court of learned Chief Judicial Magistrate Ranchi the petitioners deserve to be granted anticipatory bail. Accordingly, petitioners, above named , in the event of their arrest or surrender within a period of three weeks from the date of this order, are directed to be released on bail on executing bail bonds of Rs. 10000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M Ranchi subject to the condition as laid down under section 438(2) of the Code of Criminal Procedure

(P.P. Bhatt, J)

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