

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A. B. A. No. 1835 of 2016

Manoj Kumar

..... Petitioner

Versus

The State of Jharkhand

..... Opposite Party

CORAM: HON'BLE MR. JUSTICE RATNAKER BHENGRA

For the Petitioner : Mr. Arun Kumar, Advocate

For the State : A.P.P.

02/Dated: 31/05/2016

The present application has been filed under Sections 438 and 440 of the Code of Criminal Procedure seeking anticipatory bail as the petitioner has a reasonable apprehension of his arrest in connection with Bariatu P.S. Case No. 474 of 2015, corresponding to G.R. No. 6540 of 2015, registered for the offence punishable under Sections 323/354(A)/379/385/406/420/448/452 of the Indian Penal Code, now pending in the court of the learned Judicial Magistrate, Ranchi

Heard learned counsel for both the sides.

The learned counsel for the petitioner submits that the petitioner has no concern with the case nor any such offence took place, in fact the informant in order to protect her husband developed a concocted story against the petitioner. The informant's husband executed an agreement on 05.11.2011 in favour of the petitioner for sale of a Flat No. A-103 on the first floor of Chandra Residency situated at Bariatu, Ranchi and received Rs. 7,00,000/- (Rupees Seven Lakh only) from the petitioner but informant's husband did not hand over the said Flat to the petitioner. Consequently, the petitioner started demanding his amount of Rs. 7,00,000/- from her husband. Therefore, the present false case has been lodged against the petitioner only in order to save his skin. He has also annexed xerox copy of the agreement dated 05.11.2011 which is marked as Annexure-2. The learned counsel for the petitioner also submits that

the husband of the informant is a litigant person and other cases are pending against her husband. The learned counsel for the petitioner refers to Complaint Case No. 1572 of 2014 and Complaint Case No. 1532 of 2014 against the husband of the informant, copies of which have been annexed as Annexure-3 and 3/A to this application and submits that both the cases relate to dishonour of cheques. It is further submitted that only when demand of Rs. 7 Lac was being made by the petitioner then only to create pressure the present case has been lodged. The learned counsel for the petitioner further submits that from perusal of FIR it does not seem that the offence under Section 379 I.P.C. is made out. He further submits that Sections 354 (A) and 385 I.P.C. are bailable in nature.

Learned A.P.P has opposed the prayer for anticipatory bail application.

Having heard both the counsels and gone through the records of the case and in the facts and circumstances of the present case, the above named petitioner is directed to surrender in the court below, within three weeks from today and on such surrender, he shall be released on bail, on bail on furnishing bail bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ranchi, in connection with Bariatu P.S. Case No. 474 of 2015, corresponding to G.R. No. 6540 of 2015, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(RATNAKER BHENGRA, J.)

Amit/-