

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B. A. No. 6962 of 2018

Manoj Kumar	...	Petitioner
Versus		
The State of Jharkhand & Anr.	...	Opposite Party

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	: Mr. A. K. Sah, Adv.
For the State	: Addl. P.P.
For Opposite Party No. 2	: Mr. Mahesh Tewari, Adv.

05 / 28.02.19 Heard the parties.

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Complaint Case No. 06 of 2018 registered under Sections 420, 406, 506 of the Indian Penal Code.

The learned counsel appearing for the petitioner submits that the allegations against the petitioner that he taken Rs. 5,04,000/- from the complainant and they are not repaying the same, are all false. It is further submitted by learned counsel for the petitioner that the said Rs. 5,04,000/- was paid by the complainant to the petitioner, in repayment of the earlier loan taken by the complainant from the petitioner. It is next submitted that the petitioner is ready and willing to pay Rs. 5,04,000/- by way of demand draft to the complainant without prejudice to his defence, hence, the petitioner be given the privilege of anticipatory bail.

The learned Addl. PP assisted by learned counsel for the opposite party no. 2 opposes the prayer for 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 Chief Judicial Magistrate, Khunti within four weeks from today and in the event of his arrest or surrendering, the petitioner will be enlarged on bail provisionally for a period of one month from the date of his surrender on depositing a demand draft of Rs.

1,00,000/- in favour of the complainant 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 Chief Judicial Magistrate, Khunti in connection with Complaint Case No. 06 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In case the petitioners depositing another demand draft of Rs.1,00,000/- drawn in favour of the complainant 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 their deposit by the trial court.

Accordingly, on depositing of each demand draft of Rs.1,00,000/- drawn in favour of the complainant the provisional bail granted to the petitioner shall be extended for a period of one month and on the petitioner's showing the proof of last demand draft of Rs.1,04,000/- drawn in favour of the complainant thereby completing payment of the total amount of Rs. 5,04,000/- on or before four months of 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 amounts, the provisional bail granted to the petitioner will be cancelled and the trial court shall take appropriate steps for his apprehension for facing the trial.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-