

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B. A. No. 340 of 2021

Rajmal Tudu Petitioner

Versus

The State of Jharkhand Opposite Party

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Chandrajit Mukherjee, Advocate

For the Opposite Party : Mr. Ashok Singh, A.P.P.

5/30.09.2021 Heard the parties.

The petitioner is an accused in connection with Ghatsila P.S. Case No. 70 of 2019.

It has been alleged that the office bearers of Ghatshila Advocate Association instead of depositing the income of the association in the bank account had kept it with themselves and have consequently, misused the funds. It has also been alleged that the office bearers also failed to show the statement of account in spite of repeated insistence by the members. The Governing Body had constituted a five members Committee, which on inquiry came to a conclusion that there is a defalcation of Rs. 50,00,000/-. It has also been alleged that the audit conducted by the Jharkhand State Bar Council has substantiated the allegations.

Mr. Chandrajit Mukherjee, learned counsel for the petitioner submits that the petitioner is in custody since 26.09.2020.

Learned A.P.P. for the State has opposed the prayer for bail.

It appears that an Executive Committee Meeting was held on 15.12.2017 in which it was detected that the cash kept with the Treasurer and Assistant Treasurer was to the tune of Rs. 15,40,945/-. Both the said persons were directed to deposit the amount in the account of the Association immediately. An explanation was sought for by the President and General Secretary of Ghatshila Bar Association from the Treasurer and Assistant Treasurer vide communication dated 19.01.2018 for not depositing the amount within the designated date. The petitioner seems to have made a communication dated 24.01.2018 through which he

assured that the entire amount will be deposited in the account of the Association, but minutes of the General Body meeting dated 30.05.2018 which has been noted in the order granting anticipatory bail to the co-accused persons seems to indicate that the petitioner had admitted to have Rs. 6,70,000/- in his possession which he had undertaken to deposit within a period of 15 days. A written undertaking to that effect was also given by the petitioner in the General Body Meeting dated 30.05.2018. However, the petitioner seems to have backtracked on his assurance of depositing the entire amount.

It therefore appears that the petitioner was one of the primary players who had been involved in defalcation of the money of the Ghatshila Advocates' Association. For the allegations which have been levelled against the petitioner, he had remained in custody since 26.09.2020. As has been stated above, some of the then office bearers have been granted anticipatory bail by this court.

On consideration of the period of custody undergone by the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each, to the satisfaction of learned A.C.J.M., Ghatshila in connection with Ghatsila P.S. Case No. 70 of 2019.

(Rongon Mukhopadhyay, J)