
(2011) 02 JH CK 0101
In the Jharkhand High Court
Case No : A.B.A. No. 4307 of 2010

Avarendra Kumar @ Amrendra

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 25-02-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438(2)

Citation : (2011) 02 JH CK 0101

Hon'ble Judges : Prashant Kumar, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Prashant Kumar, J.—Both the bail applications are heard together, as they arose from the same F.I.R.

2. Heard Sri Indrajit Sinha, learned Counsel for the Petitioners and Md. Mokhtar Khan, learned Counsel for the C.B.I.

3. Learned Counsel for the C.B.I. submitted that Petitioner No. 1, functioning in the capacity of Area Manager (Planning), BCCL, authenticated the Biannual and Annual reports submitted by M/s Maa Lilori Transport Pvt. Ltd. without verifying the deployment of vehicles and employees, whereas Petitioner No. 2, was required to ensure the implementation of the terms and conditions of the MOU, but despite receiving all the work orders issued to M/s Maa Lilori Transport Pvt. Ltd., he did not take any steps in this regard.

4. On query, Mr. Mokhtar Khan, after going through the case diary, has not been able to show any evidence that Petitioners and Directors of ESM company had ever conspired for committing present crime. However, it is submitted by Mr. Khan that since the Petitioners gave certificate that the work of ESM company is satisfactory, therefore, it can be presumed that they entered into conspiracy with the ESM company. It is also submitted by Sri Khan that it is the obligation of Petitioners to ensure compliance of MOU. The aforesaid contention appears to be

misconceived. At paragraph No. 7 of the MOU, it is clearly mentioned that DGR will make random check up to ensure compliance of the terms and conditions laid down in the MOU. It is also mentioned in the MOU that if the DGR will found anything invariance with the MOU provisions, his office will inform CIL for initiating suitable action against the ESM company. As noticed above, it is admitted by C.B.I. that DGR has not made any random check up nor recommended for cancellation of sponsorship.

5. Considering the aforesaid facts and circumstances, I allow this application and direct the Petitioners to surrender in the court below by 9th of March, 2011 and in the event of their surrender, the learned court below is directed to enlarge them on bail on their furnishing bail bond of Rs. 10,000/(Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge 1st cum Special Judge, CBI, Dhanbad, in connection with RC 12(A)/09 (D), subject to the condition as laid down u/s 438(2) of the Cr.P.C.