

(2021) 04 JH CK 0163
In the Jharkhand High Court
Case No : A.B.A. No. 1536 of 2021

Bhaskar Chakraborty @ Bhaskar Chakraborti

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 13-04-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 379, 420, 467, 468, 471
Negotiable Instruments Act, 1881 — Section 138
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 04 JH CK 0163

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Prem Prakash, Vishwanath Roy, Anurag Kashyap, Supriya Dayal

Judgement

Heard the parties through video conferencing. Learned counsel for the petitioner personally undertakes to remove the defects as pointed out by the

stamp reporter within two weeks after the lockdown period is over. In view of the personal undertaking of the learned counsel for the petitioner, the

defects pointed out by the stamp reporter are ignored for the present.

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Kotwali P.S. Case No.228 of

2019 registered under sections 379/ 420/467/468/471/34 of the Indian Penal Code.

The Learned counsel for the petitioner submits that the allegation against the petitioner is that the co-accused-Arvind Kumar has committed theft of

the cheque of the informant of Axis Bank and gave it to the petitioner after putting forged signature on the same and the petitioner and the co-accused

tried to withdraw the amount from the account. It is further submitted that the

allegations against the petitioner are all false and drawing attention of this Court to Annexure-2 which is the agreement between the informant and the petitioner relating to sell of land and according to paragraph no.4 of the said agreement appearing at page no.20 of the brief, it is submitted that if the informant after payment of the advance amount cannot get the sale deed registered or the petitioner because of any reasons if will not purchase the said land then the cheque given as guarantee could be utilized for the recovery of the amount given in advance. It is then submitted that there is no illegality in the presentation of cheque of the petitioner. It is next submitted that the petitioner has no criminal antecedent as has been mentioned in paragraph no. 7 of the anticipatory bail application and the dispute between the parties is basically a civil dispute and this case has been instituted to save the informant from the liability under Section 138 of N.I. Act. It is also submitted that the petitioner has not taken the amount. It is then submitted that the petitioner is ready and willing to cooperate with the investigation of the case. Hence, it is submitted that the petitioner be given the privilege of anticipatory bail.

Learned Addl. P.P. and the learned counsel for the informant opposes the prayer for grant of anticipatory bail.

Considering the submissions of the counsels and the fact as discussed above, I am of the opinion that it is a fit case where the above named petitioner be given the privilege of anticipatory bail. Hence, in the event of his arrest or surrender within a period of six weeks from the date of this order, he shall be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Ranchi, in connection with Kotwali P.S. Case No.228 of 2019 with the condition that he will co-operate with the investigation of the case and appear before the Investigating Officer as and when noticed by him and will furnish his mobile number and a copy of his Aadhar Card in the court below with the undertaking that he will not change his mobile number during the pendency of the case and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.