
(2021) 04 JH CK 0008
In the Jharkhand High Court
Case No : A.B.A. No. 2719 Of 2021

Guddu Mian @ Md. Salim

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 05-04-2021

Acts Referred:

Indian Penal Code, 1860 — Section 395, 397
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 04 JH CK 0008

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Jasvinder Mazumdar, Suraj Verma

Final Decision : Allowed

Judgement

Heard the parties through video conferencing.

Apprehending his arrest in connection with Madhupur P.S. Case No. 235 of 2008 corresponding to G.R. No. 590 of 2008 instituted under Sections 395 and 397 of the Indian Penal Code, the petitioner has moved this Court for grant of privileges of anticipatory bail.

Learned counsel appearing for the petitioner submits that the allegation against the petitioner is that the petitioners committed robbery and caused hurt to the victim in commission of robbery. It is submitted that the allegation against the petitioner is false. It is next submitted that the co-accused persons who faced the trial in S.C. No.128 of 2011 have since been acquitted by the judgment dated 10.02.2015 passed by court of 1st Additional Sessions Judge, Deoghar. It is further submitted that the petitioner waives his right of being put to T.I.P. and he will not question his identification in the court by any witness on the ground that he was not put on proper Test Identification Parade. It is lastly submitted that the petitioner is ready and willing to co-operate with the investigation of the case and undertakes to pay ad interim victim compensation of Rs.25,000/- without

prejudice to his defence in this case in favour of the informant. Hence, it is submitted that the petitioner be given the privileges of anticipatory bail.

Learned Spl.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioner.

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 S.D.J.M., Madhupur, Deoghar within six weeks from today and in the event of his arrest or surrendering, the petitioner will be enlarged on bail on depositing a demand draft of Rs.25,000/- as ad interim victim compensation without prejudice to his defence in this case drawn in favour of the informant and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount to the satisfaction of learned S.D.J.M., Madhupur, Deoghar in connection with Madhupur P.S. Case No. 235 of 2008 corresponding to G.R. No. 590 of 2008 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 furnish his mobile numbers and photocopy of the Aadhar Card with an undertaking that he will not change his mobile numbers during the pendency of the case and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In case the petitioner deposits the said demand draft, the court below is directed to issue notice to the informant and on her proper identification, the court below shall handover the same to her forthwith.