
(2019) 07 JH CK 0137

In the Jharkhand High Court

Case No : Anticipatory Bail Application No. 8103 Of 2018

Jagarnath Sahu @ Jaganath Sahu

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 06-07-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 409, 420
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2019) 07 JH CK 0137

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Nilesh Kumar, Dr. S. K. Verma

Judgement

Apprehending his arrest in connection with Sursang P.S. Case No.01 of 2016 corresponding to G.R. No.120 of 2016 instituted under Sections 409, 420, 467, 468, 471 of the Indian Penal Code read with Section 34 of the Indian Penal Code, the petitioner has moved this Court for grant of privileges of anticipatory bail.

Heard the parties.

Learned counsel appearing for the petitioner submits that after registration of the F.I.R., legal notice has been issued by the informant to the petitioner's firm and the dispute between the parties is basically a civil dispute. It is next submitted that the allegation against the petitioner is false. It is then submitted that the petitioner is a renowned contractor of the locality and he has executed several works for both the N.P.C.C. and the State of Jharkhand and substantial works were completed in this project also and only on the basis of measurement carried out by the Engineers of the company, the petitioner received the amount, so, the petitioner is not liable for the damage, if any, caused to the project after completion of the same. It is then submitted that the security money and other dues of the petitioner's company are still with the informant and bank guarantee of Rs.31,65,000/- of the company of the petitioner has also been encashed by the Department. It is lastly submitted that the petitioner is ready and willing to

co-operate with the investigation of the case pay and to pay Rs.50,00,000/- to the informant-National Projects Construction Corporation Limited in installments without prejudice to his defence in this case by way of installments. Hence, it is submitted that the petitioner be given the privileges of anticipatory bail.

Learned Addl.P.P appearing for the State being assisted by the learned counsel for the opposite party No.2 oppose 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., Gumla within four weeks from today and in the event of his arrest or surrendering, he 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.6,00,000/- drawn in favour of the informant-National Projects Construction Corporation Limited 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 S.D.J.M., Gumla in connection with Sursang P.S. Case No.01 of 2016 corresponding to G.R. No.120 of 2016 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 number and photocopy of the Aadhar Card with an 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. In case the petitioner deposits another demand draft of Rs.6,00,000/- 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 his deposit by the trial court. Accordingly, on depositing of each demand draft of Rs.6,00,000/- drawn in favour of the informant- National Projects Construction Corporation Limited, the provisional bail granted to the petitioner shall be extended for a period of one month and on the petitioner depositing the last demand draft of Rs.2,00,000/- drawn in favour of the informant- National Projects Construction Corporation Limited thereby completing payment of the total amount of Rs. 50,00,0000/- on or before nine 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 installments as mentioned above, the provisional bail granted to him shall stand cancelled and the trial court will take appropriate steps for their apprehension for facing the trial.

In case the petitioner deposits the said demand drafts, the court below is directed to issue notice to the informant- National Projects Construction Corporation Limited and on his proper identification its authorized representative, the court below shall handover the same to him forthwith.