

(2020) 09 JH CK 0148
In the Jharkhand High Court
Case No : A.B.A. No. 4220 Of 2020

Laleshwar Mahto And Ors

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 21-09-2020

Acts Referred:

Indian Penal Code, 1860 — Section 188, 269, 270, 323, 337, 332, 353, 379
Epidemic Disease Act, 1897 — Section 3
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2020) 09 JH CK 0148

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Pankaj Kumar, Ashok Kumar

Judgement

Heard the parties through video conferencing. Apprehending their arrest in connection with Tandwa P.S. Case No.52 of 2020 instituted under Sections 188, 269, 270, 323, 337, 332, 353, 379 of the Indian Penal Code and Section 3 of the Epidemic Disease Act, 1897, the petitioners have moved this Court for grant of privileges of anticipatory bail.

Learned counsel appearing for the petitioners submits that the allegation against the petitioners is that the petitioners were leading a mob consequent upon an accident and when the police party went to the place of occurrence the petitioners used criminal force against them deterring them from discharging their duties and also caused injuries to them. It is submitted that the allegation against the petitioners is false. It is then submitted that the petitioners were not present at the place of occurrence. Drawing attention of this Court towards para-10 of the instant anticipatory bail application, learned counsel for the petitioners submits that the petitioners have no criminal antecedent. It is lastly submitted that the petitioners are ready and willing to co-operate with the investigation of the case and to pay ad interim victim compensation of Rs.10,000/- each without prejudice to their defence in this case in favour of the

informant of this case. Hence, it is submitted that the petitioners be given the privileges of anticipatory bail.

Learned A.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioners. Accordingly, the petitioners are directed to surrender in the Court of learned C.J.M, Chatra within six weeks from today and in the event of their arrest or surrendering, the petitioners will be enlarged on bail on depositing a demand draft of Rs.10,000/- each as ad interim victim compensation without prejudice to their defence in this case drawn in favour of the informant of this case and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) each with two sureties of the like amount to the satisfaction of learned C.J.M, Chatra in connection with Tandwa P.S. Case No.52 of 2020 with the condition that they will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish their mobile number and photocopy of the Aadhar Card with an undertaking that they will not change their 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 petitioners deposit the said demand draft, the court below is directed to issue notice to the informant of this case and on her proper identification, the court below shall handover the same to her forthwith.