
(2021) 04 JH CK 0127
In the Jharkhand High Court
Case No : A.B.A. No. 2185 Of 2021

Navin Kumar And Anr

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 12-04-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 270, 420
Clinical Establishments (Registration and Regulation) Act, 2010 — Section 41
Drugs and Cosmetics Act, 1940 — Section 27, 27A
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 04 JH CK 0127

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Shahid Yunus, A.K. Tiwari

Judgement

Heard the parties through video conferencing. Apprehending their arrest, the petitioners have moved this Court for grant of privilege of anticipatory bail in connection with Deoghar (Town) P.S. Case No.700 of 2020 (Drugs and Cosmetics Case No. 2 of 2020) registered under sections 420/270/34 of the Indian Penal Code, Section 41 of Clinical Establishment Act and under Section 27/27A of Drugs and Cosmetic Act. The Learned counsel for the petitioners submits that the allegation against the petitioners is that the petitioner no.1 being the director and petitioner no.2 being the partner of Shree Hospital which was allegedly cheating the innocent persons by displaying the names of several doctors though attending the said hospital whereas in fact only two doctors have given their consent letter. It is further submitted that the allegations against the petitioners are all false and some of the doctors who gave their consent after institution of the case have withdrawn their consent. It is then submitted that the petitioners are ready and willing to jointly deposit Rs.50,000/- with the Deputy Commissioner, Deoghar without prejudice to their defence in this case and subject to final decision of the case and undertakes 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. 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 petitioners be given the privilege of anticipatory bail. Hence, in the event of their arrest or surrender within a period of three months from the date of this order, they shall be released on bail on jointly showing the proof of deposit of Rs. 50,000/- with the Deputy Commissioner, Deoghar and on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.S.J.-II, Deoghar, in connection with Deoghar (Town) P.S. Case No.700 of 2020 (Drugs and Cosmetics Case No. 2 of 2020) with the condition that the petitioners will cooperate with the investigation of the case and appear before the Investigating Officer as and when noticed by him and will furnish their mobile numbers and a copy of their Aadhar Cards in the court below with the undertaking that they will not change their mobile numbers during the pendency of the case subject to the conditions laid down under section 438 (2) Cr. P.C.

At the time of conclusion of the trial, the trial court will pass appropriate order regarding the money if any deposited by the petitioners with the Deputy Commissioner, Deoghar.