

(2018) 05 JH CK 0030
In the Jharkhand High Court
Case No : Writ Petition (S) No. 7133 OF 2011

Pankaj Kumar Jha

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 09-05-2018

Acts Referred:

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

Citation : (2018) 05 JH CK 0030

Hon'ble Judges : ANANT BIJAY SINGH, J

Bench : Single Bench

Advocate : Anjani Kumar

Judgement

The petitioner is apprehending his arrest in connection with Tonto P.S. Case No. 15/2017, corresponding to G.R. No. 423/2017, the case registered under Sections 420/409 of the Indian Penal Code.

Heard learned counsel for the parties.

Learned counsel for the petitioner has submitted that the present case is counter blast of Original (Money) Suit No.21/2017 filed by the petitioner for recovery of his dues, as he has completed the allotted work within the stipulated period, which were supervised and monitored by the officers of the concerned department and the petitioner has been falsely implicated in this case. It is lastly submitted that Rs. 4,64,000/- is outstanding against the petitioner till date and petitioner is ready to deposit atleast 50% of the said amount. Hence, petitioner deserves bail.

Learned A.P.P opposed the prayer for bail.

Keeping in view the arguments advanced by the learned counsel for the parties and also considering the fact and circumstances of the case, the above

named petitioner is directed to surrender in the Court below on or before 18.06.2018 and in the event of his arrest or surrender, the Court below shall

enlarge the above named petitioner, on bail, on furnishing bail bond of Rs. 15,000/- (Rupees fifteen thousand) with two sureties of the like amount each

to the satisfaction of J.M.Ist Class, Chaibasa, in connection with Tonto P.S. Case No. 15/2017, corresponding to G.R. No. 423/2017, subject to the

conditions as laid down under Section 438(2) of the Cr.P.C. , subject to the condition that one of the bailers must be local resident of Chaibasa and

subject to the further conditions as follows :

1. Petitioner is directed to deposit Rs.2,32,000/-(50% of the total dues against the petitioner) in the court below on or before 11.06.2018 and thereafter

their bail bonds will be accepted by the court below which shall be subject to the final result of the case.

2. Petitioner shall also give an undertaking by filing an affidavit through his pairavikar that they will co-operate in the investigation.

3. Petitioner is directed to deposit his Cell Number and the Xerox copy of Aadhar Card in the court below, and if I.O. wants to record the statement

of the petitioner, he will file application in the court below through APP for release of the Cell Number and Xerox copy of Aadhar Card of the

petitioner and after getting the same, he will give 72 hours' notice to the petitioner fixing date, time and place and, thereafter, petitioner will appear

before him and get his statement be recorded.

4. If petitioner fail to do so, it will be open for the I.O. to file an application before this court through the Addl.P.P. for cancellation of bail bonds of the

petitioner.

Let a copy of this order be communicated to the court below through FAX and also handed over to learned APP for transmission of the same to the

I.O of this case.