
(2020) 01 JH CK 0281
In the Jharkhand High Court
Case No : Anticipatory Bail No. 96 Of 2020

Rajesh Oraon

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 20-01-2020

Acts Referred:

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

Citation : (2020) 01 JH CK 0281

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Nandan Prasad, P.K. Choudhary

Judgement

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Muffasil (Pandrasali) P.S. Case No.94 of 2018 registered under sections 395 of the Indian Penal Code.

Heard the learned counsel for the petitioner and learned Addl. P.P. for the State.

The Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner along with co-accused persons have committed dacoity in the premises of power house of Jharkhand Bijli Vitran Nigam Ltd. situated at village Bengalitola under Goelkera police station in the district of Chaibasa and looted the instruments of J.B.V.N.L. and damaged the transformer with gas cutters and also looted the mobile phone and snatched away money from the informant-Kamaljeet Gope and his friend Shiv Shankar Banra. It is further submitted that the allegation against the petitioner are all false and the petitioner is not named in the FIR but warrant of arrest has been issued against him and in this respect, learned counsel for the petitioner draws the attention of this Court to the order dated 04.12.2019 passed by this Court in A.B.A. No.6827 of 2019. It is next submitted that the petitioner is innocent and he has falsely been implicated in this case and he waives his right of being put to Test Identification Parade and he will not question his identification in Court by any

witness on the ground that he was not put on proper Test Identification Parade. It is then submitted that the petitioner is ready and willing to deposit Rs.1,00,000/- with Jharkhand Bijli Vitran Nigam Ltd. and is also ready and willing to pay Rs. 15,000/- each to each of the victims as ad interim victim compensation without prejudice to his defence in this case and undertakes to cooperate with the investigation of the case. It is lastly submitted that the co-accused person whose case stands on the similar footing has already been given the privilege of anticipatory bail by this Court vide order dated 04.12.2019 in A.B.A. No.6827 of 2019. 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 petitioner be given the privilege of anticipatory bail. Hence, in the event of his arrest or surrender within a period of four months from the date of this order, he shall be released on bail on showing the proof of deposit of Rs.1,00,000/- with Jharkhand Bijli Vitran Nigam Ltd. and on depositing two separate demand drafts of Rs. 15,000/- each as ad interim victim compensation in favour of informant-Kamaljeet Gope and Shiv Shankar Banra and on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Chaibasa, in connection with Muffasili (Pandrasali) P.S. Case No.94 of 2018 with the condition that the petitioner will cooperate with the investigation of the case and appear before the Investigating Officer as and when noticed by him and will furnish his mobile number and a copy of his Aadhar Card in the court below with the undertaking that he will not change his mobile number during the pendency of the case and he waive his right on being put to Test Identification Parade and he will not question his identity in Court by any witness on the ground that he was not put on proper Test Identification Parade subject to the conditions laid down under section 438 (2) Cr. P.C.

In case, the petitioner deposits the ad interim victim compensation amount, the court below is directed to issue notice to the informant-Kamaljeet Gope and Shiv Shankar Banra and hand over the said demand draft to them, after proper identification.