

(2011) 07 JH CK 0229
In the Jharkhand High Court
Case No : A.B.A. No. 2118 of 2011

Smt. Mili Rana

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 15-07-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438(2)
Penal Code, 1860 (IPC) — Section 34, 406, 420

Citation : (2011) 07 JH CK 0229

Hon'ble Judges : Pradeep Kumar, J

Bench : Single Bench

Judgement

Pradeep Kumar, J.—Heard learned Counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner, who is an accused for offence under Sections 420, 406/34 of the Indian Penal Code, prays for anticipatory bail, apprehending her arrest in connection with B.S. City P.S. Case No. 218 of 2011, corresponding to G.R. No. 727 of 2011.

3. It is submitted by the learned Counsel for the petitioner that she was only a witness to the transaction where Rs. 5 lakhs was taken for business purpose by her husband on an agreement to pay interest on loan @ Rs. 15,000/- and assured to repay the principal loan amount within six months.

4. Learned Counsel has filed the agreement, which has been attached with this petition, in which she has signed as a witness and as such the petitioner prays for anticipatory bail. Learned Counsel for the State has opposed the prayer for anticipatory bail and submits that as per the F.I.R. the money was given to Ram Lakhan Rana and his wife Smt. Milli Rana jointly, hence she has also violated the terms of agreement and misappropriated the money.

5. In the facts and circumstances of the case, since it is the case of money transaction and the amount was taken by the petitioner's husband, the

abovenamed petitioner is directed to deposit Rs. 75,000/- (Seventy five thousand) as interest against loan in court below within four weeks by Bank Draft in favour of informant, which will be entitled to withdraw and if the petitioner deposits the aforesaid amount by Bank Draft and surrenders within four weeks from today, she shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bokaro in connection with B.S. City P.S. Case No. 218 of 2011, corresponding to G.R. No. 727 of 2011, subject to the conditions as laid down u/s 438(2) Cr.P.C. and further conditions that (i) one of the bailors would be local resident having property within the jurisdiction of the Court.