IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 1291 of 2020

Kamal Murarka .... Petitioner(s).

Versus

1. The State of Jharkhand
2. Anil Kumar Gupta … Opp. Party(s).

CORAM : HON'BLE MR. JUSTICE ANANDA SEN.
Through: Video Conferencing

For the Petitioner(s) : Mr. A.K. Kashyap, Sr. Advocate.
Mr. Anurag Kashyap, Advocate.
For Opp. Party No. 2 : Mr. Indranil Bhaduri, Advocate.
For the State : A.P.P.

…….

04/07.08.2020: The lawyers have no objection with regard to the proceeding, which has been held through video conferencing today at 10:30 A.M. They have no complaint in respect of the audio and video clarity and quality.

Heard the counsel for the parties.

The petitioner is apprehending his arrest in connection with Daltonganj (Town) P.S. Case No. 228/2019 registered for the offence punishable under Section(s) 341, 323, 379, 504, 506, 406, 420 and 34 of the Indian Penal Code and Section 138 of the N.I. Act.

The allegation against the petitioner is that he had taken friendly loan and had given a cheque to the informant. Later on, the Cheque got dishonoured and the loan amount also was not refunded. On the aforesaid allegation, the FIR has been lodged.

Learned senior counsel for the petitioner submits that this case, at best, could have been lodged only under Section 138 N.I Act and not under the Indian Penal Code.

Counsel for the informant submits that when the informant asked for refund of the amount, he was beaten and the petitioner denied to refund the amount.

Considering the aforesaid submissions of the parties and the facts of this case as well as the nature of allegation, I am inclined to allow this application. Accordingly, the petitioner, named above, is directed to surrender before the court below within three weeks from today and in the event of his surrender/arrest, the court below is directed to enlarge him on bail on furnishing bail bond of Rs. 10,000 (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, Palamau at Daltonganj in connection with Daltonganj (Town) P.S. Case No. 228/2019, subject to condition as laid down under Section 438(2) Cr.P.C with further condition that :-

(i) The petitioner will not leave the district without the leave of the court below;

(ii) He will appear before the Investigating Officer twice a month till the charge-sheet is filed;

(iii) After the chagesheet is filed, the petitioner will appear before the court below once a month;

(iv) One of the bailors should be a close relative of the petitioner, having sufficient landed property within the district concerned.

(v) The petitioner will co-operate in the investigation of the case.

If any of the conditions are not fulfilled/violated by the petitioner, the opposite party No. 2/Investigating Officer will be at liberty to approach this Court for modification of this Order.

Anu/-C.P.-3

(ANANDA SEN, J.)