IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr.M.P. No. 2075 of 2020

Manish Kumar … Petitioner

Versus

The State of Jharkhand & Anr. … Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Indrajit Sinha, Advocate
For the State : Mr. Anuradha Sahay, Addl. P.P.
For O.P. No.2 : Mr. Niraj Kumar, Advocate

Order No.02 Dated- 04.12.2020

Heard the parties through video conferencing.

This criminal miscellaneous petition has been filed under section 482 Cr.P.C by the petitioner with a prayer for modification of the order dated 20.11.2019, passed in A.B.A. No. 8147 of 2019.

It is submitted by the learned counsel for the petitioner that vide the order dated 20.11.2019, passed in A.B.A. No. 8147 of 2019, the petitioner was given the privilege of anticipatory bail subject of his depositing Rs.4,00,000/- drawn in favour of the informant- Harshit Sinha and on 18.03.2020, the petitioner deposited the said demand draft in the learned trial court but the informant could not receive the demand draft within the time stipulated and consequently, the said demand draft has become invalid by the efflux of time. It is next submitted that the petitioner has filed Guardianship Case No.04 of 2019 before the Family Court, Aurangabad for the custody of minor children and the petitioner has reasonable apprehension that the informant namely Harshit Sinha will misuse the amount of Rs.4,00,000/-. Hence, it is submitted that the ad interim victim compensation of Rs.4,00,000/- may be directed to be kept by the learned trial court subject to the final outcome of the Guardianship Case No.04 of 2019 pending in the court of Family Court, Aurangabad.

It is submitted by the learned counsel for the opposite party no.2 that because of COVID-19 Pandemic and National Lockdown, the informant could not come to receive the said money and the prayer for the petitioner amounts to reviewing the order passed in the Anticipatory Bail Application No.8147 of 2019 by this court, which the petitioner has never challenged Rather the

petitioner acted upon the said order by surrendering in the learned it below in terms of the said order and thus accepted the said order. It is next submitted by the learned counsel for the opposite party number 2 that the petitioner ought not to be permitted to go back from his undertaking basing upon which, the petitioner was given the privilege of the anticipatory bail. Hence, it is submitted that the learned trial court be directed to give back the demand draft to the petitioner to get it revalidated and to file a fresh demand draft in the learned trial court and upon depositing of the same, the same be released in favour of the informant.

Since undisputedly, the petitioner without any demur has surrendered in terms of the order dated 20.11.2019, passed in A.B.A. No. 8147 of 2019 and prior to that, Guardianship Case No.04 of 2019 was filed ; so there is no change in circumstances . Under such circumstances this court is of the considered view that there is no justifiable reason to modify the order passed by this Court being order dated 20.11.2019, passed in A.B.A. No. 8147 of 2019.

Keeping in view the facts of the case, the learned trial court is directed to give back the demand draft which has already been deposited by the petitioner with a direction to the petitioner to get it revalidated and submit the same within the reasonable time to be fixed by the learned trial court and if the petitioner deposits the revalidated demand draft within the time to be stipulated by the learned trial court, the learned trial court will issue notice to the informant of this case and release the same in favour of the informant after proper identification.

It is made clear that if the petitioner fails to hand over the said revalidated demand draft within the time to be stipulated by the learned trial court, the bail granted to the petitioner will stand cancelled and the trial court will take all coercive steps for apprehension of the petitioner for facing the trial.

This criminal miscellaneous petition is disposed of accordingly.

Sonu-Gunjan/ **(Anil Kumar Choudhary, J.)**