

(2021) 04 JH CK 0193
Jharkhand High Court
Case No: A.B.A. No. 2414 Of 2021

Arjun Saw And Anr

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision: April 17, 2021

Acts Referred:

- Indian Penal Code, 1860 - Section 379, 411
- Mines and Minerals (Development and Regulation) Act, 1957 - Section 21
- Code Of Criminal Procedure, 1973 - Section 438(2)

Hon'ble Judges: Anil Kumar Choudhary, J

Bench: Single Bench

Advocate: A.K. Kashyap, P. Chatterjee

Final Decision: Allowed

Judgement

Heard the parties through video conferencing. Apprehending their arrest, the petitioners have moved this Court for grant of privilege of anticipatory

bail in connection with Meral P.S. Case No.04 of 2021 registered under sections 379/411 of the Indian Penal Code, Section 54 (1) of J.M.M.C.A.

Rules, 2017 and under Section 21 of MMDR Act.

The Learned Senior Advocate appearing for the petitioners submits that the allegation against the petitioners is that the petitioner no.1 is the owner

and petitioner no.2 is the driver of the tractor which was seized by police while transporting illegally excavated sand. It is further submitted that the

allegations against the petitioners are all false. It is next submitted that the petitioners have no criminal antecedent as has been mentioned in paragraph

no. 14 of the anticipatory bail application. It is then submitted that the petitioners are ready and willing to furnish sufficient security including cash security and undertake to cooperate with the investigation of the case. Hence, it is submitted that the petitioners 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 petitioners

be given the privilege of anticipatory bail. Hence, in the event of their arrest or surrender within a period of six weeks from the date of this order, they

shall be released on bail on depositing cash security of Rs.5000/- each and on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand)

each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Garhwa, in connection with Meral P.S. Case No.04 of 2021

with the condition that the petitioners will cooperate with the investigation of the case and appear before the Investigating Officer as and when noticed

by him and will furnish their mobile numbers and a copy of their Aadhar Cards in the court below with the undertaking that they will not change their

mobile numbers during the pendency of the case subject to the conditions laid down under section 438 (2) Cr. P.C.