

(2023) 11 JH CK 0018

Jharkhand High Court

Case No: A.B.A. No. 8765 Of 2022

Parijat Mahatha

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision: Nov. 9, 2023

Acts Referred:

- Jharkhand Minerals (Prevention Of Illegal Mining, Transportation And Storage) Rules, 2017 - Rule 9, 13
- Mines And Minerals (Development And Regulation) Act, 1957 - Section 4, 21
- Indian Penal Code, 1860 - Section 34, 414
- Code Of Criminal Procedure, 1973 - Section 438(2)

Hon'ble Judges: Anil Kumar Choudhary, J

Bench: Single Bench

Advocate: Nirupama, Pankaj Kr. Mishra

Judgement

Anil Kumar Choudhary, J

Heard the parties.

Apprehending his arrest in connection with Govindpur P.S. Case No.185 of 2023 instituted under Sections 414, 34 of the Indian Penal Code, Section 4/21 of Mines and Minerals (Development & Regulation) Act and Rule 9/13 of Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage), Rules, the petitioner has moved this Court for grant of privileges of anticipatory bail.

Learned counsel appearing for the petitioner submits that the allegation against the petitioner is that the petitioner is the owner of a Hywa vehicle bearing registration No. WB 81 0693 which was seized by police while being involved in illegal mining of coal and illegal transportation of the same. It is submitted that the allegation against the petitioner is false. Drawing attention of this Court towards para-16 of the instant bail application, learned counsel for the petitioner submits that the petitioner has no criminal antecedent. It is next submitted that the petitioner had no concern with the seized coal or the vehicles in question. It is further submitted that the co-accused, with similar allegations, has already been given the privileges of anticipatory bail by this Court vide order dated 16.10.2023 passed in A.B.A No.8478 of 2023. It is lastly submitted that the petitioner undertakes to co-operate with the investigation of the case and to furnish sufficient security including cash security. Hence, it is submitted that on the principle of parity, the petitioner be also given the privileges of anticipatory bail.

Learned Addl.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioner. Accordingly, the petitioner is directed to surrender in the Court below within six weeks from today and in the event of his arrest or surrendering, he will be enlarged on bail on depositing Rs.20,000/- as cash security and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned J.M., Dhanbad in connection with Govindpur P.S. Case No.185 of 2023 with the condition that he will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish his mobile number and photocopy of the Aadhar Card with an undertaking that he will not change his mobile number during the pendency of the case and further conditions as laid down under Section 438(2) of the Code of Criminal Procedure.