

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Revision No.382 of 2022

Anand Prasad

... Petitioner

-Versus-

1. The State of Jharkhand

2. Ramlal Sao

... Opposite Parties

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Petitioner

: Mr. Anup Kumar Agrawal, Advocate

For the State

: Mrs. Vandana Bharti, A.P.P.

Order No.07

Dated 30th August, 2022

I.A No.6558 of 2022

The present Interlocutory Application being I.A No.6558 of 2022 has been filed on behalf of the petitioner for grant of bail during pendency of the present Criminal Revision.

2. The present Criminal Revision Application has been filed on behalf of the petitioner by challenging the judgment dated 11.01.2018 passed by the learned Additional Sessions Judge-II, Ramgarh in Criminal Appeal No.156 of 2014, by which, the learned Sessions Judge has affirmed the judgment of conviction and order of sentence dated 21.11.2014 passed by Mr. Rakesh Kumar, Judicial Magistrate, 1st Class, Hazaribagh in connection with C. Case No.1550/08, corresponding to T.R No.3366/14 whereby, the petitioner has been convicted for the offence under Section 138 of Negotiable Instrument Act and has been sentenced to undergo Rigorous Imprisonment for a period of one (01) year and to pay a compensation an amount of Rs.2,80,000/- to the Complainant for the offence under Section 138 of Negotiable Instrument Act.

3. Heard Mr. Anup Kumar Agrwal, learned counsel for the petitioner and Mrs. Vandana Bharti, learned counsel for the State.

4. It has been submitted by the learned counsel for the petitioner that the judgments and order passed by the learned Court below are not sustainable in the eyes of law. It is further submitted that cheque of Rs.1,80,000/- was dishonored, which was given to the Opposite

Party No.2. It is further submitted that the petitioner is ready to get the case compromise and has filed an affidavit enclosing the demand draft of Rs.1,00,000/- in the name of the Opposite Party No.2 namely, Ramlal Sao. It is further submitted that the petitioner is in custody since 12.07.2022 and hence, he may be enlarged on bail.

5. On the other hand, learned counsel for the State has opposed the bail.

6. Perused the Interlocutory Application No.6558 of 2022 and considered the submission on behalf of the parties.

7. It appears that a cheque of Rs.1,80,000/- was dishonored. It also transpires that the petitioner has enclosed a demand draft of Rs.1,00,000/- in the name of the Opposite party No.2 by way of supplementary affidavit.

8. Considering the period of custody of the petitioner and on the facts and in the circumstances of this case, during pendency of this Criminal Revision, the petitioner namely Anand Prasad, is directed to be released 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 Mr. Rakesh Kumar, Judicial Magistrate, 1st Class, Hazaribagh or his Successor Court in connection with C. Case No.1550/08, corresponding to T.R No.3366/14, subject to the condition that one of the bailors should be close/own relative of the petitioner.

9. Accordingly, I.A. No.6558 of 2022 is allowed and is accordingly disposed of.

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10. Let this matter be listed on 22nd September, 2022 for awaiting the appearance of the Opposite Party No.2.

11. It will be open to the Opposite Party No.2 to receive a Demand Draft of Rs.1,00,000/-.

(Sanjay Prasad, J.)