

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 8160 of 2024

Shyamapada Mudli @Shyama Pada Mudli S/o Late Dewendra Natha Mudli @ Abani Mudli, R/o 292/2/1, Dakshin Behala Road, Sarsuna, P.O.-Sarsuna, P.S. Bahala, District- Kolkata (W.B.)

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Petitioner

Versus

1. The State of Jharkhand
2. Murari Sao @ Murari Saw, S/o Late Sri Sahu, R/o Domsitwa Awal Mohalla, Near the Fire Brigade Office, Chatra, P.O. Chatra, P.S. Sadar, District Chatra.

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Opposite Parties

CORAM : SRI ANANDA SEN, J.

For the Petitioner:	Mr. Sudhansu Kr. Deo, Advocate
For the State :	Mr. Subodh Kumar Dubey, A.P.P.
For the O.P. No. 2:	Mr. Vijay Kumar Sharma, Advocate

04/ 07.07.2025

Heard learned counsel for the petitioner, learned A.P.P. appearing for the State and the learned counsel for the opposite party No.2.

2. This anticipatory bail application under Sections 482 and 484 of the Bharatiya Nagarik Suraksha Sanhita has been preferred by the petitioner apprehending his arrest in connection with Chatra Sadar P.S. Case No. 126 of 2022, registered for offences alleged under Sections 406 and 420 of the Indian Penal Code, pending in the Court of the Chief Judicial Magistrate, Chatra.

3. As per the First Information Report, it has been stated by the informant that one Jitendra Tiwari introduced the informant to the petitioner for providing work for his N.G.O. at Kolkata. The petitioner visited the informant's N.G.O. at Chatra and stated that he would arrange work for the general public viz. (i) open Electronic Insurance Account, (ii) Construction of Hospital, (iii) Work of Aadhaar Card & PAN Card, (iv) Printing Press, for an investment of approx Rs.40 Lakh. The informant sold his residential house and paid Rs 20 Lakh and from time to time transferred Rs.12 lakh in the bank account of the petitioner. Thereafter, when nothing was done by the petitioner as per the commitment, the informant tried to contact the petitioner, but the petitioner started evading and on 07.04.2022, when the informant called the petitioner, he started abusing the informant and denied to return the money and even threatened that if the informant comes to Kolkata, he would be done to death.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The present case is a counter case to the case filed by the petitioner against the informant which is pending. There is lapse of more than 8 years in filing the instant First Information Report. There is no mention of date, year or any money receipt in the First Information Report to show the alleged money transfers. Notice under section 41A of Cr.P.C. was issued to the petitioner to which he has submitted his written reply.

5. Learned A.P.P. appearing for the State as also the counsel appearing for the Opposite Party No.2 vehemently oppose the prayer of the petitioner for grant of anticipatory bail. Learned counsel for the Opposite Party No.2 submits that the petitioner has committed a grave offence and cheated huge amount from the informant. In order to save his own skin, the petitioner has also instituted false case against the informant.

6. After hearing the counsel for the parties and going through the records, I find that the allegation revolve around business transaction among the parties. From the nature of allegation I find that this is not a case where detention of the petitioner or custodial interrogation is required. Considering these facts, I am inclined to allow this anticipatory bail application. The petitioner, named above, is directed to surrender before the Court concerned within four weeks from today and in the event of his surrender and/or arrest, he shall be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Chatra in connection with Chatra Sadar P.S. Case No. 126 of 2022, subject to the condition that one of the bailers should be close relative of the petitioner and other should be a resident of the State of Jharkhand, having sufficient landed property in his own name or in the name of his ancestors in which he is having share and to that effect, he has to file an affidavit before the Trial Court indicating his share in the property; and with a further condition that the petitioner shall appear before the Investigating Officer once in every 15 days till the submission of chargesheet.

7. This anticipatory bail application is, accordingly, allowed.

(Ananda Sen, J.)

Kumar/Cp-03