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Abdul Ohid Vs. The State of Jharkhand

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Court : Jharkhand

Decided On : Dec-08-2015

Appellant : Abdul Ohid

Respondent : The State of Jharkhand

Advocate for Pet/Ap. : Mr. Anoop Kr. Mehta, Mr. Ananda Sen, Mr. Tejo Mistri

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI A.B.A. No. 2370 of 2015 Prasanto Gorai, son of Sri Anath Gorai, at present resident of Qr. No. 5/28, Narwa Pahar Colony P.O.- Narwa Mines, P.S. Jadugora,District East Singhbhum (Jharkhand) with A.B.A. No. 2350 of 2015 Abdul Ohid S/o Abdul Hussain, resident of A69/550, Turamdih Colony, UCIL, Sundar Nagar, PO & PS Sundarnagar, District East Singhbhum with A.B.A. No. 2427 of 2015 Santanu Kumar Das, son of Late Narayan Chandra Das, Resident of At Jadugora UCIL Colony, Qr. No. Type 11/84, PO Narwa Mines, PS Jadugoda, District Singhbhum East, Jamshedpur - Versus- The State of Jharkhand Opp. Party (in all cases) -- For the Petitioner : Mr. Anoop Kumar Mehta, Advocate Mr. Ananda Sen, Advocate Mr. Tejo Mistri, Advcoate For the State : Mr. Vikash Kishore, APP --- Order No. 04 Dated 8th December , 2015 Since all the anticipatory bail applications arise out of some F.I.R., they are being disposed of by this common order. Heard learned counsel, appearing for the petitioners and learned A.P.P. for the State. Petitioners have prayed for grant of anticipatory bail, as they are apprehending their arrest in connection with Parsudih (Sundar Nagar) P.S. Case No. 35 of 2015 (G.R. No. 409

of 2015) registered for the offences punishable u/s 406, 420 and 34 of the Indian Penal Code. The allegation made in the F.I.R. by Subrata Kr. Pani (S.K. Pani), the informant of the present case is to the effect that one Roshan Topno has collected Rs. 1,10,90,000/- from the employees of UCIL-Turamdih with assurance to pay monthly interest on regular basis. It has been alleged that the said assurance was not adhered to by Roshan Topno and in spite of his undertaking, the principal amount as well as the monthly interest had not been paid. It has also been alleged that in the embezzlement so committed, Roshan Topno was involved along with his wife. In the written report, a list has been appended with respect to the various investors. It has been submitted by Mr. Anoop Kr. Mehta, learned counsel for the petitioner in ABA No. 2370 of 2015 that there is no allegation against the petitioner that he has received any amount and it would be evident from the F.I.R. that the allegation of collecting the entire amount from the employee of 2. UCIL is against Roshan Topno and his wife and there is no evidence with respect to the involvement of the petitioner. It has also been submitted that it has never been mentioned that the petitioner has collected any money from the various investors, rather a specific statement has been made that all such money has been given to Roshan Topno. It has also been submitted that in fact the petitioner has been made as an accused, as he was signatory to some of the agreements entered into between the Roshan Topno and the informant S.K. Pani. It has also been submitted that this fact has been substantiated by the legal notice given on behalf of the employees of BARC, Mumbai in which also demand has been made from Roshan Topno, which was advanced to him in presence of petitioners. Learned counsel further submits that Roshan Topno had given undertaking that the entire amount which have been taken by him shall be returned back within a period of three months from which it appears that in fact there is no involvement of the petitioner in the commission of offence. Mr. Ananda Sen, learned counsel for the petitioner in ABA No. 2350 of 2015, apart from adopting the arguments advanced by Mr. Anoop Kr. Mehta, referred to Para-17 of the case diary and has submitted that the informant S.K. Pani was hand in gloves with Roshan Topno. It has also been submitted that the petitioner was merely a signatory to the agreement which has been executed between Roshan Topno and the informant and only on that basis, he has been implicated in this case and in fact no money has ever been

received by any of the present petitioners, rather the petitioner has lost Rs. 2,00,000/-, which has been cheated by Roshan Topno. Mr. Tejo Mistri, learned counsel for the petitioner in ABA No. 2427 of 2015, apart from what has been submitted above, adds that the case of the present petitioner also stands on similar footing to that of the case of the petitioners in ABA No. 2350 of 2015 and ABA No. 2370 of 2015, save and except that this petitioner had never signed any agreement entered into between Roshan Topno and the informant S.K. Pani. Learned counsel appearing for the State has opposed the prayer for anticipatory bail of the petitioners and has referred to various paragraphs of the case diary in which statement of the witnesses have been recorded and they have said that Abdul Ohid, Prasanto Gorai and Santanu Kumar Das had also received money from the investors and therefore their involvement in the offence is quite apparent.

3. The investigation has revealed that a substantial amount of money was received by S.K. Pani, which would be evident from the statement of the witnesses recorded in the case diary. Moreover in the written report, the petitioners have not been named and the allegation of misappropriation of huge money has mainly been levelled against Roshon Topno and his wife. This facts are further fortified by the undertaking given by Roshan Topno in which he had promised to return back the money within three months from the date of undertaking, failing which the interest shall also be given on the same amount @ 16% per annum. Considering the surrounding circumstances including the legal notice, undertaking given by Roshon Topno and the evidence of the witnesses, which has been recorded in the case diary, I am inclined to allow this application. Accordingly, the petitioners, named above, are directed to surrender in the court below within three weeks from today and on such surrender, they shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Jamshedpur in connection with Parsudih (Sundar Nagar) P.S. Case No. 35 of 2015 (G.R. No. 409 of 2015), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. MK (RONGON MUKHOPADHYAY, J.)

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