

Triloki Nath MishrA. Vs. the State of Jharkhand.

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Court : Jharkhand Ranchi

Decided On : Apr-26-2011

Judge : PRASHANT KUMAR, J.

Acts : Code of Criminal Procedure (CPC) - Section 438(2)

Appeal No. : A.B.A. No. 145 of 2011.

Appellant : Triloki Nath MishrA.

Respondent : The State of Jharkhand.

Advocate for Def. : Mr. R.S. Singh, Adv.

Advocate for Pet/Ap. : Mr. Jai Shankar Tiwary, Adv.

Judgement :

1. Anticipatory bail application filed by petitioner Triloki Nath Mishra is moved by Sri Jai Shankar Tiwary and opposed by Mr. R.S. Singh , learned Additional P.P.
2. It is alleged that petitioner issued a cheque of Rs. 50,000/- in favour of complainant but the same has not been en-cashed because the petitioner has requested the bank for not en-cashing the said cheque. Accordingly, the present case filed.
3. Learned counsel for the petitioner after seeking instruction from his client submits that petitioner is ready to pay the said amount to the complainant without prejudice to his case.
4. Learned Additional P.P. have no objection to the aforesaid submission.
5. Considering the aforesaid facts and circumstance, I allow this application and direct the petitioner to surrender in the court below by 06.05.2011 and in that event the court below is directed to enlarge the petitioner , above named, on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Koderma in connection with Complaint Case No. 334 of 2010 , subject to the condition as laid down under section 438(2) of the Cr.P.C. and subject to further condition that on the date of surrender the petitioner furnish a bank draft of Rs. 50,000/- in the name of complainant, in the court below.
6. The court below is directed to hand over the said bank draft to the complainant on proper identification.