

Md Tippu Vs. the State of Jharkhand

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Court : Jharkhand

Decided On : Dec-19-2012

Appellant : Md Tippu

Respondent : The State of Jharkhand

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI A.B.A. No. 3421 of 2012
Md. Tippu Petitioner(s) Versus State of Jharkhand ... Opposite Party Coram :
HONBLE MR. JUSTICE D.N.UPADHYAY For the petitioner (s): Mr. For the
opposite party : Addl.P.P. 19.12.2012 Heard the learned counsel for the petitioner
and the learned counsel for the State. This is an application for grant of
anticipatory bail filed by the petitioner in connection with Chhattarpur PS case No.
88 of 2011 for the offence registered under section 395 of the Indian Penal Code.
This is a case of road robbery and the accused persons have looted passers-by.
During investigation, one of the looted mobile was recovered from possession of
Sunil Kumar who disclosed that the said mobile phone was given to him by his
Master . It is submitted that the statement of petitioner was recorded in the case
diary and he was examined under sections 161 and 164 Cr.P. C. He has made it
clear that he runs a mobile shop and the disputed mobile was given to him for
repairing but the customer did not turn up. When the police arrived at his shop, it
was produced by his servant Sunil Kumar. How the petitioner has been made
accused in this case is completely unknown. Learned counsel for the State has
opposed the prayer, but failed to bring on record as to why the petitioner whose
statement was recorded during investigation has now been made accused in the

case. Contentions made by the learned counsel for the petitioner finds support from the case diary. Further more, Sunil has been granted anticipatory bail by this Court. Considering all these aspects of the matter, the petitioner above named is directed to appear/ surrender before the court below within a period of four weeks positively from the date of this order and on his surrender, he shall 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 learned Judicial Magistrate, Palamau at Daltongaj, in connection with Chhattarpur PS case No. 88 of 2011 (GR No. 1134 of 2011), subject to the conditions laid down under section 438(2) Cr.P.C. Ambastha/- (D.N.Upadhyay,J.)

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