
(2021) 03 JH CK 0090
In the Jharkhand High Court
Case No : A.B.A. No. 489 of 2021

Aas Mohammad Sheikh And Ors

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 05-03-2021

Acts Referred:

Dowry Prohibition Act, 1961 — Section 3, 4
Code Of Criminal Procedure, 1973 — Section 125
Indian Penal Code, 1860 — Section 323, 498A

Citation : (2021) 03 JH CK 0090

Hon'ble Judges : R. Mukhopadhyay, J

Bench : Single Bench

Advocate : Shashi Kant Thakur, Tarun Kumar, Md. Yasir Arafat

Final Decision : Allowed

Judgement

Heard Mr. Shashi Kant Thakur, learned counsel for the petitioners and Mr. Tarun Kumar, learned A.P.P. for the State assisted by Md. Yasir Arafat, learned counsel appearing for the informant.

Defects as pointed out by the office are ignored. The petitioners have prayed for grant of anticipatory bail, as they are apprehending their arrest in connection with Maheshpur P.S. Case No. 01/2020.

It has been alleged that by forging the signature of the informant by the petitioners a loan of Rs. 30,000/- was taken from the Bank in which the informant was arrayed as a guarantor.

Submission has been advanced by the learned counsel for the petitioners that the loan which was taken by the petitioner no. 2 has already been cleared and 'No Dues Certificate' has also been issued by the Bank. Learned counsel further submits that the petitioner no. 2 has also filed a case for maintenance u/s 125 Cr.P.C. against the informant apart from a criminal case u/s 498A and other allied Sections of the Indian Penal Code in Complaint Case No. 31/2020 and on account

of the attritional relationship between the petitioner no. 2 and the informant the present First Information Report has been instituted.

Md. Yasir Arafat, learned counsel appearing for the informant has opposed the prayer for anticipatory bail of the petitioners and has stated that the petitioners have stated about clearing of the loan without bringing any document on record to substantiate such claim. It has further been stated that the petitioners had deliberately forged the signature of the informant and had obtained a loan of Rs. 30,000/- by making the informant as a guarantor which the informant was never knowing at the initial stage.

The case which has been instituted by the informant seems to be a fall out of the matrimonial dispute between the informant and the petitioner no. 2. The informant has been saddled with the criminal case u/s 498A/323 of the Indian Penal code and Section 3/4 of the Dowry Prohibition Act apart from the case u/s 125 Cr.P.C. by the petitioner no. 2. The petitioner no. 1 is the brother of the petitioner no. 2 and viewed in the background facts and circumstances of the case as denoted above, the false implication of the petitioners cannot be ruled out.

Regard being had to the above, the petitioners are directed to surrender before the learned court below within a period of four weeks and on their surrender, they shall be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Pakur in connection with Maheshpur P.S. Case No. 01/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This application stands allowed.