

(2020) 10 JH CK 0009
In the Jharkhand High Court
Case No : A.B.A. No. 4463 Of 2020

Arjun Vishwakarma And Ors	Vs	APPELLANT
State Of Jharkhand And Ors		RESPONDENT

Date of Decision : 01-10-2020

Acts Referred:

Indian Penal Code, 1860 — Section 314, 498A
Dowry Prohibition Act, 1961 — Section 4
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2020) 10 JH CK 0009

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Rajesh Kumar, Sardhu Mahto

Judgement

Heard the parties through video conferencing. Apprehending their arrest in connection with Complaint Case No.2119 of 2019 instituted under Sections 498-A, 314 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act, the petitioners have moved this Court for grant of privileges of anticipatory bail.

Mr. Rajesh Kumar- learned counsel for the petitioners undertakes to remove the defects pointed out by the stamp reporter within two weeks after the lockdown is over.

In view of personal undertaking given by the learned counsel for the petitioners, the defects pointed out by the stamp reporter are ignored for the present.

Learned counsel appearing for the petitioners submits that the allegation against the petitioners is that the petitioners have treated the deceased daughter of the complainant with cruelty and demanded dowry. It is submitted that the allegation against the petitioners is false. It is then submitted that upon the complaint being filed after inordinate delay of several days, this false case has been foisted and the learned Magistrate has only taken cognizance for the offence punishable under Section 498-A of the Indian Penal Code and Section 4 of the Dowry

Prohibition Act. It is then submitted that the petitioners undertake that they will not disturb or annoy the complainant in any manner during the pendency of the case. It is lastly submitted that the petitioners are ready and willing to co-operate with the investigation of the case and to jointly pay ad interim victim compensation of Rs.1,00,000/- without prejudice to their defence in this case in favour of the complainant subject to final decision of the case. Hence, it is submitted that the petitioners be given the privileges of anticipatory bail.

Learned A.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioners. Accordingly, the petitioners are directed to surrender in the Court of learned J.M. 1st Class at Garhwa within six weeks from today and in the event of their arrest or surrendering, the petitioners will be enlarged on bail on jointly depositing a demand draft of Rs.1,00,000/- as ad interim victim compensation without prejudice to their defence in this case drawn in favour of the complainant and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) each with two sureties of the like amount to the satisfaction of learned J.M. 1st Class at Garhwa in connection with Complaint Case No.2119 of 2019 with the condition that they will not disturb or annoy the complainant in any manner during the pendency of the case and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In case the petitioners deposit the said demand draft, the court below is directed to issue notice to the complainant and on his proper identification, the court below shall handover the same to him forthwith.

In case the petitioners deposit Rs.1,00,000/- with the complainant learned court below will pass an appropriate order regarding disbursal of the same at the time of conclusion of trial.