

(2012) 04 JH CK 0069
In the Jharkhand High Court
Case No : A.B.A. No. 295 of 2012

Awadhesh Kumar Singh, Prabha Singh and Amit Kumar	APPELLANT
Vs	
The State of Jharkhand and Nivedita Kumar	RESPONDENT

Date of Decision : 11-04-2012

Acts Referred:

Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 34, 498A

Citation : (2012) 04 JH CK 0069

Hon'ble Judges : Jaya Roy, J

Bench : Single Bench

Advocate : Ananda Sen, for the Appellant; P.P.N. Rai For the O.P. No. 2, for the Respondent

Final Decision : Dismissed

Judgement

Hon"ble Mrs. Justice Jaya Roy

1. Heard counsel appearing for the petitioners, counsel for the opposite party no. 2 and the counsel for the State. The petitioners are apprehending their arrest in this case registered u/s 498A/34 of the I.P.C. and Section 3/ 4 of the Dowry Prohibition Act, pending in the court of Judicial Magistrate s: Dhanbad.

2. The counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. It is further contended that none of the petitioners ever demanded any money as dowry or they have tortured the complainant. It is also contended that the complainant was residing with her husband, who is the petitioner no. 3, at Pune therefore, it cannot be said that the petitioner no. 1 and 2 (parents of the petitioner No. 3), who are residing at Bokaro, have tortured the complainant. It is also contended that the petitioner no. 3 is a Mechanical Engineer and posted at Cummins India at Pune. It is further contended that after three months of marriage, the parents or" the petitioner went to Pune for the first time and they bought the Almirah, T.V., V.C.D. etc. and other household utensils from their per own A.T.M., and the petitioner No. 3 also booked a flat by

taking loan from the H.D.F.C. Bank in Pune. But the petitioner being the owner of the flat at Pune, he was ousted by the complainant and her brother and ultimately the petitioner No. 3 having no option has filed a divorce case at Pune in the Family Court at Pune.

3. Counsel for the Opposite party no. 2 has submitted that on 14.09.2011, the opposite party no. 2 has filed a complaint case No. 1748/ 2011 in the court of learned C.J.M., Dhanbad alleging therein that the marriage between the petitioner No. 3 and the opposite party no. 2 was solemnised on 23.11.2005 at Sindri. Thereafter, the complainant had gone to her sasural at Bokaro. The petitioner No. 3, who is the husband of the complainant, is a Mechanical Engineer and he is working in Cummins India Limited in Pune at a highest package on the post of Manager. It is further submitted that according to their demand, the father of the complainant has given a huge amount of Rs. 8,50,000/- in cash and Rs. 3 Lakhs were transferred from the account of the complainant's father to the account of the father of the petitioner No. 3 as dowry and further a huge amount of valuable gift and gold ornaments worth Rs. 12 Lakhs has also been given to the complainant as "Stree Dhan" in the marriage. Thereafter the petitioners No. 3, took the complainant with him at Pune. During her stay at Pune, the petitioners started demanding a sum of Rs. 5,50,000/- for purchase even the petitioner Hotl and 2, when they came to Pune in the residence of the petitioner No. 3, they also threatened the complainant consequences if the demand of car is not fulfilled by her father. Thereafter on the eve of Diwali, when the complainant was with (sic) laws house at Bokero, the petitioner attempted to kill her by gas oven the gas cylinder was kept on and she was asked to prepare (sic) smelling of gas, she did not switch on the gas., and saved her m Thereafter, she was ousted from their house in the night (sic) the quarter of a friend of her father and from where her father in the re morning brought her at Dhanbad. The counsel for the opposite party (sic) has submitted that it has come in the case diary that the witnesses have supported the prosecution case. Counsel for the opposite party no. 2 has further contended that there is a specific allegation against all the petitioners regarding torture and demand of dowry, therefore, they are no entitled to get the anticipatory bail in this case.

4. Considering the facts and circumstances of the case find also considering the fact that there is specific allegation against the petitioner: for demand of dowry and torture, and furthermore it has come in the case diary that the witnesses have supported the prosecution case, I am no inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is, hereby, rejected.