

(2020) 09 JH CK 0106
In the Jharkhand High Court
Case No : A.B.A. No. 2485 Of 2020

Brinda Lal Bihari And Ors

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 11-09-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 406, 498A, 504
Dowry Prohibition Act, 1961 — Section 3, 4
Code Of Criminal Procedure, 1973 — Section 82, 438(2)

Citation : (2020) 09 JH CK 0106

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : R.S. Mazumdar, Vishwanath Ray, Pratyush Kumar

Final Decision : Allowed

Judgement

Apprehending their arrest, the petitioners have moved this Court for grant of privilege of anticipatory bail in connection with Sitaramdera P.S. Case No.83 of 2019 registered under sections 406/498A/323/504/34 of the Indian Penal Code and under section 3/4 of the D.P. Act.

Heard the parties through video conferencing. It is submitted by the learned Senior Advocate appearing for the petitioners that earlier the petitioners withdrew their earlier anticipatory bail application consequent upon the process under section 82 Cr.P.C. being issued against them but the said process under section 82 Cr.P.C. has been quashed. The Learned senior counsel for the petitioner further submits that the petitioner no.1 is the father-in-law and the petitioner no.2 is the mother-in-law of the informant-opposite party no.2. It is then submitted that the allegations against the petitioners are false and are general and omnibus in nature. It is further submitted that the petitioners are ready and willing to jointly pay Rs.11,00,000/- as ad interim victim compensation to the informant-opposite party no.2 without prejudice to their defence in this case and undertake to cooperate with the investigation of the

case. Hence, it is submitted that the petitioners be given the privilege of anticipatory bail. Learned Addl. P.P. and the learned counsel for the opposite party no.2 opposes the prayer for grant of anticipatory bail.

Considering the submissions of the counsels and the fact as discussed above, I am of the opinion that it is a fit case where the above named petitioners be given the privilege of anticipatory bail. Hence, in the event of their arrest or surrender within a period of eight weeks from the date of this order, they shall be released on bail on jointly depositing a demand draft of Rs.11,00,000/- as ad interim victim compensation in favour of informant-opposite party no.2 and on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate -1st Class, Jamshedpur, in connection with Sitaramdera P.S. Case No.83 of 2019 with the condition that the petitioners will cooperate with the investigation of the case and appear before the Investigating Officer as and when noticed by him and will furnish their mobile numbers and a copy of their Aadhar Card in the court below with the undertaking that they will not change their mobile number during the pendency of the case subject to the conditions laid down under section 438 (2) Cr. P.C.

In case, the petitioners deposits the ad interim victim compensation amount, the court below is directed to issue notice to the informant-opposite party no.2 and hand over the said demand draft to her, after proper identification.

In case, the said amount is received by the informant- opposite party no.2, the same shall be adjusted with respect to the maintenance in any present or future proceeding between the parties or final settlement between the parties, if and when the same takes place.