

(2020) 01 JH CK 0119
In the Jharkhand High Court
Case No : Anticipatory Bail No. 7035 Of 2019

Jabed Akhtar @ Javed Ali

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 09-01-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 341, 379, 406, 420, 498A
Dowry Prohibition Act, 1961 — Section 3, 4
Code Of Criminal Procedure, 1973 — Section 161

Citation : (2020) 01 JH CK 0119

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : P.K. Rana, Rakesh Ranjan, Matimuddin Khan

Final Decision : Dismissed

Judgement

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Complaint Case No.1210 of

2018 registered under sections 323/341/420/406/498A/379/34 of the Indian Penal Code and under Section 3/4 of D.P. Act.

Heard the parties.

The petitioner who is present in the Court today refuses to take the complainant to his house.

The Learned counsel for the petitioner submits that the allegation against the petitioner is that the complainant was working as a maidservant in the

house of the petitioner and the petitioner established consensual sexual relationship with the complainant on the pretext of marriage but ultimately

refused to marry her and the complainant jumped from Damodar bridge and after regaining sense she found herself in the Sanjiwani Nursing Home of

Dr. Alam. After this occurrence, the petitioner in order to avoid going to jail solemnized marriage with the complainant on 11.07.2018 and after her marriage the complainant remained in the house of the petitioner for a night and thereafter, the petitioner along with accused persons under criminal conspiracy looted her stree dhan and other articles and jewelries and dropped her at her fathersâ?? house. It is further alleged that the complainant was treated with cruelty by telling her that she was maidservant in their house hence, she cannot be the wife of the petitioner and they created a plot of solemnization of marriage between the petitioner and opposite party no.2 to avoid going to jail of the petitioner. It is next alleged that the father of the complainant took a loan of Rs.1,50,000/- and got the marriage of the complainant solemnized with the petitioner but the petitioner and the co-accused persons further demanded a sum of Rs.1,00,000/- and one Hero Honda motorcycle and used to threaten that unless the said amount is given, the petitioner will not take the complainant to his house and subsequently, the brother and mother of the complainant paid Rs.25,000/- each to the co-accused- father and mother of the petitioner but even after taking the said amount, they did not take the complainant to their house and insisted for payment of the rest dowry amount. It is further submitted that the allegation against the petitioner are all false and the complainant never jumped from Damodar bridge as alleged. It is next submitted that the petitioner solemnized marriage with the complainant on 11.06.2019 within three days from the date of joining of the complainant as a maidservant in his house. It is then submitted that though in paragraph nos.13 and 14, it has been mentioned that the investigating officer has not brought any specific material and the false statement of the informant has been repeated by all the witnesses during the investigation under Section 161 Cr.P.C. but such averments made by the petitioner in the anticipatory bail application are false and it is fairly submitted this being a complaint case and there is no I.O. in this case nor there is statement under Section 161 Cr.P.C. Hence, it is submitted that the petitioner be given the privilege of anticipatory bail.

Learned Addl. P.P. and the learned counsel for the opposite party no.2 on the other hand vehemently opposes the prayer for grant of anticipatory bail and submitted that the conduct of the petitioner in making false averment in paragraph nos.13-14 of the anticipatory bail application shows dishonesty

of the petitioner and though he has married the complainant after establishing consensual sexual relationship with the promise of marriage now he is

not willing to keep and maintain the opposite party no.2 unless and until, the dowry demand is fulfilled and the adamant nature of the petitioner is

evident as the petitioner who is present in the Court today itself has categorically stated that he will not take the opposite party no.2 to his house and

considering his conduct, the petitioner ought not to be given the privilege of anticipatory bail.

Considering the serious nature of allegation against the petitioner and his refusal to take the opposite party no.2-complainant to his house without any

plausible reason, this Court is of the considered view that this is not a fit case where the above named petitioner be given the privilege of anticipatory

bail. Accordingly, his prayer for anticipatory bail is rejected.