
(2011) 05 JH CK 0095
In the Jharkhand High Court
Case No : A.B.A. No. 114 of 2011

Kamod Kumar Mandal

APPELLANT

Vs

The State of Jharkhand and Lalita Devi

RESPONDENT

Date of Decision : 06-05-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438(2)

Citation : (2011) 05 JH CK 0095

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Judgement

R.K. Merathia, J.—Heard.

2. It is submitted that the Anticipatory Bail Petition No. 1585 of 2010 filed on behalf of the Petitioner was disposed of on 2.8.2010 by the learned Sessions Judge, Dhanbad inter-alia observing that the complainant and the Petitioner affirmed that they have settled the matter and the Petitioner had furnished undertaking in writing that he would keep the complainant with dignity and care and he will go and bring her with child and accordingly Petitioner was directed to surrender in the court below within a fortnight along with a compromise petition and in that event, he was directed to be released on bail on the condition that he shall appear in the trial court on the date fixed and the trial court will observe the conduct, and in that view of the matter, the earlier anticipatory bail application being A.B.A. No. 3591 of 2010 was disposed of on 4.10.2010 by this Court, as not maintainable and the Petitioner was directed to comply with the said order dated 2.8.2010, but the opposite party No. 2 is not filing a joint compromise petition, though Petitioner is ready and willing to keep her and child with full dignity and care.

3. It appears that opposite party No. 2 has refused to accept the notice and accordingly, it has been accepted as validly served.

4. In the circumstances, the Petitioner above named is directed to surrender in

the court below within two weeks and pray for bail, and in that event, he shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each, to the satisfaction of Sri S.K. Dubey, Judicial Magistrate Ist class, Dhanbad in connection with C. P. Case No. 368 of 2009., subject to the conditions as laid down u/s 438(2) of the Code of Criminal Procedure.

5. If the parties are agreeable, the trial court will try for mediation/conciliation.