

(2012) 02 JH CK 0146
In the Jharkhand High Court
Case No : A.B.A. No. 80 of 2012

Kushmi Devi, Sahdeo Das and Baldeo Das @ Baldeo Prasad Das APPELLANT

Vs

The State of Jharkhand RESPONDENT

Date of Decision : 06-02-2012

Acts Referred:

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

Citation : (2012) 02 JH CK 0146

Hon'ble Judges : Prashant Kumar, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Prashant Kumar

1. Anticipatory bail application filed by Kushmi Devi, Sahdeo Das and Baldeo Das @ Baldeo Prasad Das, is moved by Sri A.K. Choudhary, learned counsel for the petitioners and opposed by Sri Niranjan Kumar, learned counsel for the complainant.
2. It is submitted by learned counsel for the petitioners that they are ready to keep complainant with all dignity.
3. However, learned counsel for the complainant opposed the bail prayer of petitioners because earlier also petitioners took the complainant, but after one month they drove her out from their residence. However, it is submitted that if petitioners will give written undertaking that they will keep the complainant with love and all dignity, then she is ready to reside with them.
4. Sri A.K. Choudhary, learned counsel for the petitioners submits that petitioners have no objection in giving such undertaking.
5. In view of the aforesaid facts and circumstances, I allow this anticipatory bail application and direct petitioners to surrender in the court below on 17.02.2012

and on that day complainant is also directed to remain present in the court below. The learned court below is directed to enlarge petitioners on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Deoghar, in connection with P.C.R. Case No. 734 of 2010 corresponding to T.R. Case No. 12 of 2011, subject to the condition as laid down u/s 438(2) of the Cr.P.C.

6. The court below is also directed to send complainant along with petitioners after taking written undertaking from them that they will not torture her in future and keep her with all respect, love and dignity. It is also made clear that if in future the complainant is ill-treated by the petitioners then she is entitled to file a complaint in the court below and court below will make an inquiry and then pass appropriate order including the cancellation of bail of petitioners.