

(2021) 02 JH CK 0156
In the Jharkhand High Court
Case No : A.B.A. No. 7777 Of 2020

Ravi Sahani @ Ravi Kumar Sahani

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 18-02-2021

Acts Referred:

Hindu Marriage Act, 1955 — Section 9
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 02 JH CK 0156

Hon'ble Judges : Rongon Mukhopadhyay, J

Bench : Single Bench

Advocate : A. Kumar

Final Decision : Allowed

Judgement

Heard the parties.

Defects, as pointed out by the office, are ignored. The petitioner apprehends his arrest in connection with Balidih P.S. Case No. 102 of 2020.

The marriage of the informant was solemnized with the petitioner on 21.04.2019. It has been alleged that the petitioner had an illicit relationship with his sister-in-law. It has also been alleged that she was brutally assaulted resulting in a miscarriage having been suffered by her. Lastly allegation has been leveled that the petitioner was ready to keep her with him provided she brings Rs. 10,000/- as dowry.

Submission has been advanced by the learned counsel for the petitioner that prior to institution of the FIR the suit of restitution of conjugal rights under section 9 of the Hindu Marriage Act was preferred by the petitioner and as a counter blast the FIR was instituted. It has also been stated that the petitioner regularly sends money to the informant as well as her mother.

Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

It appears that primary cause of dispute seems to be purported illicit relationship the petitioner was having with his sister-in-law. Although it has been

stated that the miscarriage occurred on account of the assault committed by the petitioner upon her but there is no medical prescription on record to

substantiate such contention. The petitioner is ready and willing to keep the informant with full dignity and honour as stated by the learned counsel for

the petitioner and for that purpose a suit had earlier been instituted for restitution of conjugal rights.

Regard being had to the above, I am inclined to extend the privilege of anticipatory bail to the petitioner. Accordingly, the petitioner, above named, is

directed to surrender before the court below within a period of four weeks from today and in that event, he shall be enlarged on bail, on furnishing bail

bond of Rs. 10,000/- (Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bokaro, in connection

with Balidih P.S. Case No. 102 of 2020, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

This application stands allowed.