

(2017) 04 JH CK 0015
In the Jharkhand High Court
Case No : A.B.A. No. 3372 of 2016

Shah Nawaz Ahmad Khan

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 03-04-2017

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 125, Section 438
Dowry Prohibition Act, 1961 — Section 3, Section 4
Penal Code, 1860 (IPC) — Section 34, Section 406, Section 420, Section 498A

Citation : (2017) 2 AIRJharR 545

Hon'ble Judges : Anant Bijay Singh, J.

Bench : Single Bench

Advocate : Mr. Ajay Kumar Sah, Advocate, for the Petitioner; APP, for the Opposite party; Mr. Chandrajit Mukherjee, Advocate, for the Opposite Party No.2

Final Decision : Disposed Off

Judgement

Anant Bijay Singh, J.—The petitioner is apprehending his arrest in connection with the case registered under Sections 498A, 406, 420 and 34 of the Indian Procedure Code and Section 3/4 of the D.P. Act.

2. Pursuant to order dated 14.09.2016, both the parties along with their counsel were present and possibility of reconciliation through process of mediation was explored and the stand of the parties are variance.

3. On query made by this Court, O.P.No. 2 has submitted that the petitioner running a coaching institute and his monthly income of Rs. 1 lac and also submitted that the petitioner had purchased a Renault Duster and Swift Desire cars, although these fact denied by the petitioner and he has disclosed his income in between Rs.20,000/- to 25,000/- per month. Thereafter, both the parties were directed to file necessary document in support of their submission.

4. Learned counsel for the petitioner has filed the supplementary affidavit, in which he has annexed the photocopy of I.T. Return of the Assessment year

2016-17, according to which his annual income is Rs. 2,58,850/-

5. Learned counsel for the O.P. No. 2 has filed the rejoinder counter affidavit, which reveals that the petitioner had purchased Renault Duster in the year 2014 and Maruti Swift Desire.

6. After hearing the parties and going through the record, for the purpose of bail this Court has assessed the monthly income of the petitioner is 50,000/- per month.

7. Petitioner is directed to pay Rs. 12,000/- per month as ad interim maintenance to the O.P.No.2 from January, 2017.

8. In view of the above, I am inclined to admit the petitioner on anticipatory bail. The petitioner is directed to surrender in the court below within six weeks and in the event of his arrest or surrender, the court below shall release him on bail on his furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Jamshedpur, in connection with Mango (Azad Nagar) P.S. Case No.585/15, corresponding to G.R. No. 3803/15, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. Further the arrears from January, 2017 to April, 2017 i.e. four months totalling amount of Rs. 48,000/- is to be deposited within four weeks from today before the court below.

10. After deposition of the said amount, the trial court shall issue notice to the complainant/O.P.No.2, and on her appearance and after verification shall release the aforesaid amount in her favour.

11. Further, the petitioner is directed to pay the current ad interim maintenance @ Rs. 12,000/- per month i.e. from May, 2017 latest to be deposited by 20th day of every month till the disposal of this case and if petitioner defaults to pay the ad-interim maintenance for two successive months, then it is open for the complainant/O.P.No.2 to file an application before this Court for cancelling the anticipatory bail given to the petitioner by this Court.

12. In the meanwhile, O.P.No. 2 will submit her bank account number before the trial court and the trial court will ensure that the ad interim maintenance from May, 2017 onwards transmit directly in the bank account of the O.P.No.2.

13. This interim maintenance shall be subject to any appropriate orders passed by any competent court of jurisdiction regarding maintenance.