
(2020) 01 JH CK 0145

In the Jharkhand High Court

Case No : Anticipatory Bail No. 7020 Of 2019

Shakti Singh @ Shakti Kumar Singh

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 13-01-2020

Acts Referred:

Indian Penal Code, 1860 — Section 379, 498A, 506
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2020) 01 JH CK 0145

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Yogesh Modi, Leena Mukherjee, K.M. Sahay

Final Decision : Dismissed

Judgement

Heard the parties.

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Mahila P.s. case no. 15 of

2018 registered under Sections 498A, 379, 506 of the Indian Penal Code, section 3/4 D.P.Act.

Both the petitioner and the opposite party no. 2 are present in the court today. The petitioner submits that he is not ready to resume conjugal life with

the opposite party no. 2 in view of her past conduct but opposite party no. 2 is ready to resume conjugal life with the petitioner.

The learned counsel appearing for the petitioner submits that the marriage between the petitioner and the informant-opposite party no. 2 was

solemnized as per Hindu rites and Customs and at the time of marriage from the side of informant-opposite party no. 2, Rs. 3,50,000/- cash was paid

of which, Rs. 1,40,000/- was transferred to the account of the co-accused Ratan

Singh through bank transaction on being told to do so by the petitioner and the co-accused persons. After marriage, the petitioner took the informant-opposite party no. 2 to Mumbai where the informant-opposite party no. 2 was kept properly for a week and after that, the petitioner was told by the co-accused persons to demand Rs. 5,00,000/- from the parents's house of the informant and the petitioner started to assault and torture the informant in connection with the demand of dowry of Rs. 5,00,000/- and ultimately, after taking away all jewelries and clothes etc., the informant was dropped at her father's place and after that also the petitioner told the informant that unless her father pays Rs. 5,00,000/-, he will get his 2nd marriage solemnized. The petitioner used to treat the informant-opposite party no. 2 with cruelty both mentally and physically. The informant-opposite party no. 2 approached Mukhia for panchayati, but even after being called by Mukhiya, neither the petitioner nor the family members turned up for panchyati and the informant was threatened that if she approached the police, even her dead body cannot be traced out as their locality is infested with MCC extremists. It is then submitted by learned counsel for the petitioner that allegations against the petitioner are all false and the petitioner never demanded any dowry from the informant-opposite party no. 2. It is next submitted that the petitioner be given the privilege of anticipatory bail.

The learned Addl. PP and learned counsel for the opposite party no. 2 vehemently oppose the prayer for anticipatory bail of the petitioner and they submit that there is ulterior motive of petitioner of treating the opposite party no. 2 with cruelty in connection with the demand of dowry and the conduct of the petitioner in refusing to take the opposite party no. 2 to his house though it is not in dispute that the opposite party no. 2 is his legally married wife, is only with the intention of forcing the father of the informant to meet the illegal demand of dowry of the petitioner and this shows the petitioner has no regard for law. It is also submitted that in view of serious allegation against the petitioner, the custodial interrogation of the petitioner is required during investigation of the case for recovery of the streedhan property of the informant; hence the petitioner ought not be given the privilege of anticipatory bail.

Considering the conduct of the petitioner in not taking the opposite party no. 2 to

his house without any plausible reason and the allegation of demand of huge amount of dowry of Rs. 5,00,000/-by him though considerable amount of money was admittedly already been paid by the father of the opposite party no. 2 and the requirement of his custodial interrogation during investigation of the case for recovery of the streedhan property of the informant, this Court is of the considered view that this is not a fit case, where the privilege of anticipatory bail be given to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.