
(2016) 05 JH CK 0074
In the Jharkhand High Court
Case No : A.B.A. No. 1391 of 2016

Uttam Kumar and others

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 06-05-2016

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438
Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 120B, 323, 379, 498, 498A

Citation : (2016) 2 AIRJharR 859

Hon'ble Judges : Rongon Mukhopadhyay, J.

Bench : Single Bench

Advocate : Anand Kr. Sinha, Advocate, for the Appellant; Laxmi Murmu, A.P.P. and P.P.N. Roy, Sr. Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

Rongon Mukhopadhyay, J.— Heard Mr. Anand Kr. Sinha, learned counsel appearing for the petitioners, Mrs. Laxmi Murmu, learned A.P.P. for the State and Mr. P.P. No. Roy, learned senior counsel appearing for the informant.

2. Petitioners have prayed for grant of anticipatory bail, as they are apprehending their arrest in connection with Mahila P.S. Case No. 33 of 2015 corresponding to G. R. No. 1382 of 2015 registered for the offences punishable under Sections 498(A), 498, 379, 323, 120B of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

3. It has been submitted that the petitioner no. 1 is the husband, petitioner no. 2 is the mother-in-law, petitioner no. 3 is the maternal mother-in-law and petitioner no. 4 is the unmarried sister-in-law of the informant. It has been submitted by the learned counsel for the petitioners that prior to the institution of the First Information Report a complaint case was lodged on 24.11.2014 in which cognizance was taken by the learned court below on 31.07.2015 and the petitioner nos. 1 and 2 were summoned to face trial. It has been submitted that

since no cognizance was taken with respect to the other accused persons a subsequent First Information Report has been instituted with most of the allegations relating to those made in the complaint petition. It has been submitted that the First Information Report relates to an incident on 16.08.2015 but the First Information Report was instituted after a considerable delay.

4. Mr. P.P.N. Roy, learned senior counsel appearing for the informant, has opposed the prayer for anticipatory bail and has submitted that the First Information Report has been instituted with an offence which had been committed by the accused persons after the institution of the complaint case. Learned senior counsel further submits that there is specific allegation against the petitioner no. 1 and apart from demand of dowry he was caught in a compromising position with the petitioner no. 3. It has thus been submitted that the anticipatory bail application of the petitioners deserves to be rejected.

5. In the First Information report most of the allegations are contained in the complaint petition which has been lodged on 24.11.2014 and the allegations against the petitioners are general and omnibus in nature. It appears that since some of the accused persons were not summoned in the complaint petition to face the trial, the First Information Report has been instituted with respect to certain incidents which had taken place on 16.08.2015 and on subsequent date.

6. In such circumstance, therefore, the First Information Report appears to be maliciously instituted and therefore, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners, named above, are directed to surrender in the court below within three weeks from today and on such surrender, they shall be released 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 Chief Judicial Magistrate, Chatra, in connection with Mahila P.S. Case No. 33 of 2015 corresponding to G.R. No. 1382 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.