

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 685 of 2020

Mahabir Mahto @ Mahabir Kumar Matho Petitioner

Versus

1. The State of Jharkhand

2. Sujan Kumari Opp. Parties

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Nitish Krishna, Advocate

For the State : Mr. Sanjay Kumar Srivastava, A.P.P.

For the O.P. No. 2 : Mr. Shashi Kant Thakur, Advocate

04/24.06.2020 Heard Mr. Nitish Krishna, learned counsel for the petitioner, Mr. Sanjay Kumar Srivastava, learned A.P.P. for the State and Mr. Shashi Kant Thakur, learned counsel appearing for the opposite party no. 2.

Petitioner has prayed for grant of anticipatory bail, as he is apprehending his arrest in connection with Complaint Case No. 3863 of 2018.

The marriage of the complainant was solemnized with the petitioner on 02.10.2016.

It has been alleged that there was a demand of Rs. 10,00,000/- and on non-fulfillment of which she was subjected to torture. She was finally forced to leave her matrimonial house.

It appears that earlier the complainant had lodged a case against the petitioner under Sections 376 and 313 IPC as the petitioner is said to have physically exploited the victim on the pretext of marriage. Subsequently, a compromise was effected which resulted in the acquittal of the petitioner. The petitioner also seems to have filed a suit for dissolution of marriage being Matrimonial Suit No. 757 of 2017.

Learned counsel for the opposite party no. 2 submits that only to escape from criminal prosecution in the case instituted under Sections 376 and 313 IPC the petitioner had induced the complainant to tie the knot with him and since his wishes were fulfilled he had made an application for dissolution of marriage. Learned counsel, therefore, submits that the dubious tactics adopted by the petitioner is apparent and in such circumstances, the present anticipatory bail application of the petitioner deserves to be rejected.

The complaint case instituted by the opposite party no. 2 is after the institution of the suit for dissolution of marriage. It, therefore, can be assumed to be by way of retaliation to the said suit preferred on behalf of the petitioner. It also appears from a bare perusal of the complaint petition that the allegations are general and omnibus in nature.

Regard being had to the aforesaid facts, this application is allowed. The petitioner, named above, is directed to surrender in the court below within a period of four weeks from today and on such surrender, he shall be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Ranchi, in connection with Complaint Case No. 3863 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rongon Mukhopadhyay, J.)