

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 759 of 2020

Hriday Narayan Yadav @ Sanjog Yadav Petitioner

Versus

1. The State of Jharkhand

2. Soni Devi @ Soni Yadav Opp.Parties

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

Through Video Conferencing

For the Petitioner(s) : Mr. Suraj Singh, Advocate

For the State : Mr. Rajnish Vardhan, APP

For the O.P. No.2 : Mr. Onkar Nath Tiwari, Advocate

Order No. 04

Dated 24th June 2020

Heard the learned counsel for the respective sides.

The petitioner apprehends his arrest in connection with Complaint Case No. 554 of 2019, pending before the Court of learned Judicial Magistrate, 1st Class, Dhanbad.

The marriage of the complainant was solemnized with the petitioner in the year 2011. It has been alleged that there was a demand of dowry and on refusal, she was subjected to torture. She was ultimately forced to leave her matrimonial house.

Mr. Suraj Singh, learned counsel for the petitioner submits that in spite of the best efforts made by the petitioner to restore conjugal life, the opposite party no. 2 did not cooperate which resulted in the petitioner having filed a suit for restitution of conjugal rights, which was decreed in favour of the petitioner. Learned counsel further submits that in spite of the decree when the opposite party no. 2 did not show her intention to stay with the petitioner, the petitioner was constrained to file a suit for dissolution of marriage and after two months, the complaint case was instituted which would indicate that it was a retaliation to the cases instituted by the petitioner. It has been further submitted by the learned counsel for the petitioner that during the period when the opposite party No. 2 stayed away from the petitioner, although there was no conjugal relationship between them, she has given birth to a child which all the more indicates about her doubtful character.

Mr. Onkar Nath Tiwari, learned counsel for the opposite party no. 2 has referred to the complaint petition and stated that specific and direct allegations have levelled against the petitioner. It has been further stated that

the petitioner has disowned his two children which also indicates the mental torture committed upon the opposite party no. 2. Learned counsel further submits that the petitioner has subsequently solemnized another marriage.

On consideration of the arguments advanced by the learned counsel for the petitioner, it appears that the petitioner had preferred a suit for restitution of conjugal rights under Section 9 of the Hindu Marriage Act which was decided in favour of the petitioner, though ex parte as stated by the learned counsel for the opposite party no. 2. Subsequent to the same when the conjugal rights were not restored, a suit for dissolution of marriage was preferred by the petitioner and immediately thereafter the complainant case was lodged. The sequence of events would, therefore, indicate that the complainant had earlier not filed any application with respect to the purported demand and torture meted out by the petitioner and only when the petitioner had sought for a divorce, the complainant case was instituted. Such facts would, therefore, entitle the petitioner the privilege of anticipatory bail.

Accordingly, the interim anticipatory bail granted to the petitioner vide order dated 12.02.2020 in connection with Complaint Case No. 554 of 2019 is hereby confirmed.

This application stands allowed.

(RONGON MUKHOPADHYAY,J.)