

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 823 of 2020

Arvind Kumar Petitioner
Versus
1. The State of Jharkhand
2. Anupama Kumar Opp. Parties

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Ashim Kr. Sahani, Advocate
For the State : Md. Azeemuddin, A.P.P.
For the O. P. No. 2 : Mr. Ashok Kumar Jha, Advocate

05/24.06.2020 Heard Mr. Ashim Kr. Sahani, learned counsel for the petitioner, Md. Azeemuddin, learned A.P.P. for the State and Mr. Ashok Kumar Jha, 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 Protest-cum-Complaint Petition No. 912 of 2017 (arising out of Mahila P.S. Case No. 13 of 2017), G. R. No. 826 of 2017.

The marriage of the complainant was solemnized with the petitioner on 27.02.2004.

It has been alleged that there was a repeated demand of dowry and on non-fulfillment of which she was subjected to torture. It has also been alleged that the petitioner had wanted to forcible take the custody of the children.

Mr. Ashim Kr. Sahani, learned counsel for the petitioner has submitted that after investigation, final form was submitted by the police and on a protest petition which was treated as a complaint petition cognizance has been taken for the offence punishable under Section 498A IPC. Learned counsel further submits that in spite of repeated opportunities and adjournments, the witnesses could not be produced and lastly only on the basis of the statement of the complainant cognizance has been taken under Section 498A IPC. It has further been stated that the petitioner was suffering from bipolar disorder and was under continuous medical treatment.

Mr. Ashok Kumar Jha, learned counsel appearing for the opposite party no. 2 while relying on the counter affidavit has referred to the Bank statements while indicating that on account of the pressure put by the petitioner as well as the in-laws of the opposite party no. 2

huge amount was transferred and on the subsequent pressure every month an amount of Rs. 10,000/- was transferred in the account of the opposite party no. 2 which was withdrawn through ATM by the petitioner and his other relatives. It has further been submitted that on account of the mental trauma given by the petitioner, the father of the opposite party no. 2 had met with an untimely death. It has, therefore, been submitted that the Bank account specifically indicates about the demand of dowry made by the petitioner on various counts be it purchase of land or for household expenses.

On consideration of the arguments advanced by the learned counsel for the respective parties, it appears that the entire facts were investigated by the police and ultimately final form was submitted in favour of the petitioner. The criminal case revived on account of the cognizance taken by the learned Magistrate on the protest cum complaint petition preferred by the opposite party no. 2. The Bank statements which has been brought on record is of the account of the opposite party no. 2 and based on the deposits, learned counsel for the opposite party no. 2 has stated about the demand of dowry which was forced to be fulfilled by the father of the opposite party no. 2.

As regards, the amount of Rs. 10,000/- which was regularly deposited by the father of the opposite party no. 2 it cannot be assumed with certainty that it was on account of the demand which was made by the petitioner and in-laws of the opposite party no. 2. The contention of the learned counsel for the opposite party no. 2 also cannot be ascertained with respect to the fact that the petitioner and others had forcibly withdrawn the amount from the account of the opposite party no. 2 through ATM. The amount which has been deposited in the account of the opposite party no. 2 by her father could be for other purposes also.

Regard being had to the aforesaid facts, I am inclined to extend the privilege of anticipatory bail to the petitioner. Accordingly, the order dated 17.02.2020 is, hereby, confirmed.

This application stands allowed.

(Rongon Mukhopadhyay, J.)