

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.4067 of 2021

Anand Kumar Vishwakarma

.... Petitioner

Versus

1. The State of Jharkhand

2. Usha Kumari

.... Opposite Parties

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Md. Faiyaj Alam, Advocate

For the State : Mrs. Vandana Bharti, Addl.P.P

For the O.P. No.2 : Mr. Shailendra Jit, Adv.

Order No.03 Dated- 06.09.2021

Heard the parties through video conferencing.

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Ramgarh Mahila P.S. Case No.26 of 2020 registered under sections 323/506/498A/34 of the Indian Penal Code.

Learned counsel appearing for the petitioner submits that though the petitioner is not ready and willing to resume the conjugal life with the opposite party no.2 but the opposite party no.2 is ready and willing to resume the conjugal life with the petitioner. It is next submitted that the allegation against the petitioner is that the petitioner being husband of the opposite party no.2 treated her with cruelty. It is next submitted that the allegations against the petitioner are all false and general and omnibus in nature. It is further submitted that because of marital discord between the parties, this false case has been foisted against the petitioner. It is lastly submitted that the petitioner is ready and willing to co-operate with the investigation of the case and undertakes to pay ad interim victim compensation of Rs.3,00,000/- without prejudice to his defence in this case to the opposite party no.2. Hence, it is submitted that the petitioner be given the privileges of anticipatory bail.

Learned Addl.P.P appearing for the State assisted by learned counsel for the opposite party no.2 oppose the prayer for anticipatory bail of the petitioner.

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioner. Accordingly, the petitioner is directed to surrender in the Court within four months from today and in the event of his arrest or surrendering, the petitioner will be enlarged on bail on depositing a demand

draft of Rs.3,00,000/- as ad interim victim compensation without prejudice to his defence in this case drawn in favour of the opposite party no.2 and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Ramgarh in connection with Ramgarh Mahila P.S. Case No.26 of 2020 **with the condition that he will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish his mobile number and photocopy of the Aadhar Card with an undertaking that he will not change his mobile number during the pendency of the case** and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In case the petitioner deposits the said demand draft, the court below is directed to issue notice to the opposite party No.2 and on her proper identification, the court below shall handover the same to her forthwith.

In case the petitioner deposits Rs.3,00,000/- in favour of the opposite party No.2, the same shall be adjusted towards maintenance, if any or full and final settlement, if any, between the parties.

(Anil Kumar Choudhary, J.)