

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 959 of 2021

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Tabish Khan ----- Petitioner

Versus

The State of Jharkhand -- --- Opp. Party

CORAM: The Hon'ble Mr. Justice Aparesh Kumar Singh
Through Video Conferencing

For the Petitioner : Mr. Shravan Kumar, Adv.
For the State : Mr. Santosh Kr. Shukla, A.P.P.
For the Informant : Mr. Suraj Kishore Prasad, Adv.

05/17.04.2021 Heard learned counsel for the petitioner, learned A.P.P. and Mr. Suraj Kishore Prasad, learned counsel appearing for the informant.

Petitioner seeks anticipatory bail in terms of Section 438 of the Cr.P.C. in connection with Chandil/Kapali P.S. Case No. 151 of 2020 instituted under Sections 498A and 323 of Indian Penal Code and Section 3/4 of the Dowry Prohibition Act, pending in the court of learned Sub Divisional Judicial Magistrate, Seraikella.

Learned counsel for the petitioner submits that the marriage between the petitioner and the informant was solemnized as per Muslim rites and customs on 15th June 2019. It is submitted that the instant case has been lodged with concocted allegations relating to demand of dowry and torture. It is submitted that the petitioner is innocent and has not committed any offence. He is ready to keep his legally wedded wife with full dignity and honour. Learned counsel for the petitioner further submits that he is willing to abide by any such conditions including payment of interim victim compensation to the informant, if so directed for the purposes of granting anticipatory bail. Learned counsel for the petitioner further submits that as per instructions petitioner would be in a position to pay in instalments an amount of Rs.2 lakhs as interim victim compensation over a period of three months. He prays that the petitioner may be protected from unnecessary arrest on such allegations and on the conditions of grant of interim victim compensation.

Learned A.P.P. and learned counsel for the informant opposed the prayer. Learned counsel for the informant submits that the allegations are true and the informant has been made to suffer after entering into marriage with the petitioner on the demand of dowry. However, informant is also in dire need of means of sustenance.

I have considered the submissions of learned counsel for the parties and taken note of the facts and circumstances above.

Having regard to the aforesaid circumstances and that the petitioner is ready and willing to pay interim victim compensation of Rs.2 lakhs to the informant in instalments, I am inclined to grant him anticipatory bail. As such, the petitioner shall pay a sum of Rs. 1 lakh by 15th May 2021 in digital mode to the informant in her bank account. Rest of the amount shall be paid in two instalments of Rs.50,000/- each by 15th June 2021 and 15th July 2021. On payment of the first instalment of Rs.1 lakh by 15th May 2021, in the event of arrest or surrender, the petitioner shall be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Seraikella in connection with Chandil/Kapali P.S. Case No. 151 of 2020. The amount so paid as interim victim compensation shall be kept into account by the competent Family Court while granting maintenance to the informant in any case seeking maintenance. The petitioner and his bailors shall not change their addresses and mobile numbers without permission of the learned trial court during pendency of this case and other conditions laid down u/s 438(2) Cr.P.C.

(Aparesh Kumar Singh, J.)

Shamim/