

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.1077 of 2021

Rupak Kumar Sharma @ Rupak Sharma

... Petitioner

Versus

1. The State of Jharkhand
2. Chanda Devi @ Chanda Kumari

... Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Ashok Kr. Sinha (2), Advocate
For the State : Mr. Rakesh Ranjan, Addl. P.P.
For the O.P. No.2 : Mr. Santosh Kumar, Advocate

Order No.02 Dated- 05.04.2021

Heard the parties through video conferencing.

Learned counsel for the petitioner personally undertakes to remove the defects as pointed out by the stamp reporter within two weeks after the lockdown period is over.

In view of the personal undertaking of the learned counsel for the petitioner, the defects pointed out by the stamp reporter are ignored for the present.

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with C.P. Case No.1132 of 2019 registered under sections 498A/323/34 of the Indian Penal Code and under section 4 of the D.P. Act.

The Learned counsel for the petitioner submits that the allegations against the petitioner are that the petitioner treated his wife with cruelty. It is further submitted that the allegations against the petitioner are false and are general and omnibus in nature. It is then submitted that the petitioner is ready and willing to resume conjugal life with the opposite party no.2 but since the opposite party no.2 is not ready and willing to resume conjugal life with the petitioner, hence she has foisted this false case. It is next submitted that the petitioner is ready and willing to pay Rs.4,50,000/- as ad interim victim compensation to the complainant-opposite party no.2 without prejudice to his defence in this case and undertakes to

cooperate with the trial of the case. Hence, it is submitted that the petitioner be given the privilege of anticipatory bail.

Learned Addl. P.P. and the learned counsel for the opposite party no.2 opposes the prayer for grant of anticipatory bail.

Considering the submissions of the counsels and the fact as discussed above, I am of the opinion that it is a fit case where the above named petitioner be given the privilege of anticipatory bail. Hence, in the event of his arrest or surrender within a period of three months from the date of this order, he shall be released on bail on depositing a demand draft of Rs.4,50,000/- as ad interim victim compensation in favour of complainant-opposite party no.2 and on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Bermo at Tenughat, in connection with C.P. Case No.1132 of 2019 with the condition that the petitioner will cooperate with the trial of the case subject to the conditions laid down under section 438 (2) Cr. P.C.

In case, the petitioner deposits the ad interim victim compensation amount, the court below is directed to issue notice to the complainant-opposite party no.2 and hand over the said demand draft to her, after proper identification.

In case, the said amount is received by the complainant-opposite party no.2, the same shall be adjusted with respect to the maintenance in any present or future proceeding between the parties or final settlement between the parties, if and when the same takes place.

(Anil Kumar Choudhary, J.)

Sonu/Gunjan-