

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 1283 of 2014

Md. Zulfikar Alam

... Petitioner

Versus

The State of Jharkhand

... Opposite Party

Coram:

HON'BLE MR. JUSTICE RAVI NATH VERMA

For the Petitioner : Mr. Nilesh Kumar

For the Opposite Party : Additional Public Prosecutor.

09/27.11.2014 Apprehending his arrest in connection with Kotwali (Hindpiri) P.S. Case No. 161 of 2014 (G. R. No. 975 of 2014) instituted under sections 498 (A), 34 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act, the sole petitioner namely Md. Zulfikar Alam prays for grant of anticipatory bail.

Heard the learned counsel for the petitioner as well as learned counsel for the State.

The allegation as it appears from the FIR is that the informant was subjected to physical and mental torture at the hands of accused persons due to non-fulfillment of their demand of dowry within two months of her marriage. There is further allegation that the petitioner making fake ID on Facebook posted photograph of the informant and made objectionable comments.

Learned counsel appearing for the petitioner submitted that the petitioner is innocent and has not committed any offence as alleged and though the allegation of torture and demand of dowry is within two months of the marriage but the present case was lodged after more than a year in 2014. It was also submitted that one MTS no. 27 of 2014 has been filed by the petitioner for restitution of conjugal rights. Learned counsel further submitted that no specific date and time has been mentioned in FIR. In such a situation, no cognizance can be taken of the offence alleged.

On the other hand, learned counsel appearing for the informant who has suo motu appeared in this case, opposed the prayer relying upon the pictures and comments annexed with the counter affidavit filed by the informant. Learned counsel further submitted that the petitioner, before the Mahila Police has admitted the fact of posting of photographs and comments on the Facebook, before the institution of the FIR.