

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 6417 of 2019

1. Gopal Chaudhary
2. Mina Devi ... Petitioners
Versus
The State of Jharkhand ... Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Hadish Ansari, Advocate
For the State : Ms. Amrita Kumari, Addl. P.P.

Order No.05 Dated- 28.09.2019

Apprehending their arrest in connection with Bishrampur P.S. Case No.35 of 2019 instituted under Sections 354, 504, 506/34 of the Indian Penal Code and Section 3 & 4 of Dowry Prohibition Act, the petitioners have moved this Court for grant of privileges of anticipatory bail.

Heard the parties.

Learned counsel appearing for the petitioners submits that the main allegation is against the co-accused -Ujjwal Kumar who has already been given the privilege of anticipatory bail by this Court vide order dated 19.08.2019, passed in A.B.A. No. 5497 of 2019 and the allegation against the petitioners are false and are general and omnibus in nature. It is then submitted that there is no ingredient of offence punishable under Section 354 of the Indian Penal Code against the petitioners. It is also submitted that the alleged victim has not uttered any incriminating word against the petitioners so far as offence punishable under Section 354 of the Indian Penal Code is concerned. It is further submitted that the petitioners undertakes that they will not disturb or annoy the informant in any manner during the pendency of the case. It is lastly submitted that the petitioners are ready and willing to co-operate with the investigation of the case and to jointly pay ad interim victim compensation of Rs.10,000/- without prejudice to their defence in this case in favour of the informant namely- Puja Kumari. Hence, it is submitted that the petitioners be given the privileges of anticipatory bail.

Learned A.P.P opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioners. Accordingly, the petitioners are directed to surrender in the Court of learned Judicial Magistrate, Palamau at Daltonganj within four weeks from today and in the event of their arrest or surrendering, the petitioners will be enlarged on bail on jointly depositing a demand draft of Rs.10,000/- as ad interim victim compensation without prejudice to their defence in this case drawn in favour of the informant namely- Puja Kumari and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Palamau at Daltonganj in connection with Bishrampur P.S. Case No.35 of 2019 with the condition that they will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish their mobile numbers and photocopy of the Aadhar Cards with an undertaking that they will not change their mobile numbers during the pendency of the case and they will not disturb or annoy the informant in any manner 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 petitioners deposits the said demand draft, the court below is directed to issue notice to the informant namely- Puja Kumari and on her proper identification, the court below shall handover the same to her forthwith.

(Anil Kumar Choudhary, J.)

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