

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B. A. No. 1303 of 2022

Amit Agarwal @ Amit Kumar Agarwal

...

Petitioner

Versus

The State of Jharkhand &Anr. ... Opposite Parties

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr.Rohit Agrawal,Adv.

For the State : Mr. Jitendra Pandey,Addl. P.P.

For the O.P. No. 2 : Ms. Shruti Shrestha, Adv.

02/28.02.2022 Heard the parties.

Learned counsel for the petitioner personally undertakes to remove the defects pointed out by the Stamp Reporter within two weeks.

In view of the personal undertaking given by 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 Adityapur P.S. Case No. 360 of 2021 arising out of Complaint Case No. 683 of 2021 registered under Sections 498A, 354, 313, 504 of the Indian Penal Code.

Learned counsel appearing for the petitioner submits that the allegation against the petitioner is that the petitioner being the husband of the informant-opposite party no. 2, treated the informant with cruelty. It is next submitted that the allegations against the petitioner are all false and those allegations are general and omnibus in nature. It is next submitted that the petitioner is ready to co-operate with the investigation of the case and he undertakes to pay Rs. 1,00,000/- to the opposite party no. 2 as ad interim victim compensation without prejudice to his defence hence, the petitioner be given the privilege of anticipatory bail.

The learned Addl. PP and learned counsel for the opposite party no. 2 oppose the prayer for anticipatory bail of the petitioner. Learned counsel for the opposite party no. 2 submits that the opposite party no. 2 is ready to resume conjugal life with the petitioner but the petitioner is not ready to resume conjugal life with the opposite party no. 2 in view of her past conduct.

Considering aforesaid facts and circumstances of the case, I am inclined to grant the privilege of anticipatory bail to the petitioner. Hence, in the event of arrest by the police or surrender within a period of four months from the date of this order, the petitioner shall be released on bail on depositing Rs. 1,00,000/- by way of demand draft drawn in favour of the opposite party no. 2 as ad interim victim compensation without prejudice to his defence 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 CJM, Seraikella in connection with Adityapur P.S. Case No. 360 of 2021 arising out of Complaint Case No. 683 of 2021 subject to the condition that the petitioner will co-operate with the Investigation of the case and will appear before the Investigating Officer as and when noticed by him and will submit mobile number and photocopy of Aadhaar card at the time of surrender in the court below with an undertaking not to change mobile number during the pendency of the case along with the other conditions laid down under section 438 (2) Cr. P.C.

In case of depositing aforesaid demand draft by the petitioner, learned court below is directed to issue notice to the opposite party no. 2 and release the demand draft in her favour on proper identification forthwith and if the said amount is deposited by the petitioner, the same will be adjusted towards maintenance in any proceeding between the parties in future or the final settlement, if any, takes place between the parties.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-