

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.4741 of 2023

Chandra Shekhar Goswami	Petitioner
Versus				
1. The State of Jharkhand				
2. Kumari Payal @ Gudiya	Opposite Parties

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	: Mr. Md. Zaid Ahmed, Advocate
For the State	: Ms. Kumari Rashmi, Addl.P.P
For the O.P. No.2	: Mr. Rajiv Kr. Karan, Advocate

Order No.03 Dated- 31/08/2023

Heard the parties.

Apprehending his arrest in connection with Nirsa (Kalubathan O.P.) P.S. Case No.257 of 2022 instituted under Sections 498-A, 323, 504, 506, 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act, the petitioner has moved this Court for grant of privileges of anticipatory bail.

Learned counsel appearing for the petitioner submits that the allegation against the petitioner is that the petitioner being the husband of the opposite party No.2, has treated her with cruelty in connection with demand of dowry. It is submitted that the allegations against the petitioner are all false and general and omnibus in nature. Learned counsel for the petitioner and the opposite party No.2 jointly submit that both the petitioner and opposite party No.2 are ready and willing to resume their conjugal life. It is agreed to between the parties that both the petitioner and opposite party No.2 will appear before the trial court on 22.11.2023 and on that date the petitioner will take the opposite party No.2 to his house with an undertaking that he will keep and maintain her with full honour and dignity as his lawful wife. Learned counsel for the petitioner submits that because of marital discord between the parties, this case was instituted by the opposite party No.2 against the petitioner. It is lastly submitted that the petitioner undertakes to co-operate with the investigation of the case. Hence, it is submitted that the petitioner be given the privileges of anticipatory bail.

Learned Addl.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions of learned counsels and the facts and

circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioner. Accordingly, the petitioner is directed to surrender in the Court below on 22.11.2023 and in case the petitioner appears and surrenders before the learned trial court on 22.11.2023, he will be enlarged on bail on taking the opposite party No.2 to his house with an undertaking that he will keep and maintain her with full honour and dignity as his lawful wife and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Dhanbad in connection with Nirsa (Kalubathan O.P.) P.S. Case No.257 of 2022 with the condition that he will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish his mobile number and photocopy of the Aadhar Card with an undertaking that he will not change his mobile number 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 opposite party No.2 does not appear the learned court below on 22.11.2023, or refuses to the tune conjugal life with the petitioner, still the petitioner will be enlarged on bail on 22.11.2023 on furnishing bail bond of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Dhanbad in connection with Nirsa (Kalubathan O.P.) P.S. Case No.257 of 2022 with the condition that he will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish his mobile number and photocopy of the Aadhar Card with an undertaking that he will not change his mobile number during the pendency of the case with further condition that he will resume conjugal life with the opposite party No.2 as and when the opposite party No.2 joins him for resuming the conjugal life and keep and maintain her with dignity and honour as his lawful wife and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Choudhary, J.)