

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 10238 of 2022

Akash Kumar Gupta @ Aakash Kr. Gupta Petitioner

Versus

1. The State of Jharkhand

2. Saloni Gupta

.....Opposite parties

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Shailesh, Advocate

For the State : Mrs. Anuradha Sahay, A.P.P.

For the O.P. No.2 : Mr. Kalyan Banerjee, Advocate.

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Order No.04/ Dated:31.07.2023

Heard learned counsel for the parties.

Apprehending his arrest in connection with C.P. Case No. 940 of 2021 instituted under Section 498A of the Indian Penal Code & Sections 3/4 of D.P. Act, the petitioner has moved to this Court for grant of privilege of anticipatory bail.

As per complaint case, there is allegation of additional demand of dowry of Rs.10,000,00/- (Rupees Ten Lacs) as dowry and upon non fulfillment of which complainant was subjected to mental and physical cruelty.

Learned counsel for the petitioner has submitted that petitioner is innocent and has committed no offence at all rather he has been falsely implicated in this case. It is submitted that petitioner is ready to keep his wife with full dignity and honor but she has declined, hence at present there is no scope of settlement between the parties. Petitioner has also filed an application under Section 9 of the Hindu Marriage Act for restoration of conjugal rights before the court of Principal Judge, Family Court, Patna vide Matrimonial Case no. 829 of 2021 which is pending for adjudication. It is lastly submitted that the petitioner undertakes to co-operate with the trial of the case and also abide by all terms and conditions which may be imposed in the matter of granting anticipatory bail to the petitioner. Hence, the petitioner may be extended the privilege of anticipatory bail.

Learned Addl.P.P appearing for the State assisted by learned counsel for the complainant opposes the prayer for anticipatory bail of the petitioner and submitted that petitioner is husband and there are direct and specific allegation of assaulting and torture due to non-fulfillment of additional demand of dowry of Rs.10,000,00/- (Rs. Ten Lacs), hence, petitioner does not deserve anticipatory bail.

It appears that it is a case of physical assault as there is no possibility of settlement between the parties and proceeding under Section 9 of the Hindu Marriage Act is also pending. The proceeding has been originated out of the complainant case, as such, there is no requirement of custodial trial of the petitioner, hence, without expressing any view on the merits of the case, this anticipatory bail application is disposed off.

Petitioner is directed to seek regular bail before learned trial court which shall be disposed of in strict compliance of the guidelines issued by Hon'ble Apex Court in the case of ***Satender Kumar Antil Vs. Central Bureau of Investigation & Anr*** reported in ***2021(10) SCC 773***.

Learned trial court is also directed to take notice of fresh observation of Hon'ble Apex Court in ***Satender Kumar Antil Vs. Central Bureau of Investigation & Anr.*** reported in ***2023- SCC online (SC) 452 & 2023- Live Law (SC) 233***.

(Pradeep Kumar Srivastava, J.)

R.K/