IN THE HIGH COURT OF JHARKHAND AT RANCHI
A. B. A. No. 5197 of 2020

Kuntal Sen … … Petitioner

Versus

1.The State of Jharkhand
2.Priyanka Sen … … Opposite Parties

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. D. K. Chakraverty, Advocate
For the Opposite Party No. 1 : Ms. Snehlika Bhaagat, A.P.P.
For the Opposite Party No. 2 : Mr. Arun Kumar Pandey, Advocate

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3/17.12.2020 Heard the parties.

The petitioner is apprehending his arrest in connection with Burmamines P.S. Case No. 43 of 2020.

The marriage of the informant was solemnized with the petitioner on 20.01.2014. It has been alleged that after some time, there was a demand of additional dowry and on non-fulfillment of which, she was subjected to torture and ultimately ousted from her matrimonial house.

Mr. Arun Kumar Pandey, learned counsel for the opposite party no. 2 has submitted that the FIR would indicate the torture committed upon the informant. It has further been stated that only by way of defence a suit has been filed under Section 9 of the Hindu Marriage Act. He further submits that the petitioner is not maintaining the opposite party no. 2 as well as her children and in such circumstances, he prayed that the present application be rejected.

Mr. Chakraverty, learned counsel for the petitioner submits that much prior to the institution of the FIR, a suit under Section 9 of the Hindu Marriage Act has been preferred by the petitioner being Org. Suit No. 32 of 2020. He further submits that since the informant was not agreeable to stay with the petitioner, the petitioner was forced to institute a suit for restitution of conjugal rights.

The FIR seems to have been instituted after 4 months after the suit for restitution of conjugal rights has been preferred by the petitioner. Even otherwise, the allegations against the petitioner appears to be

general and omnibus in nature and in such circumstances, therefore, I am inclined to extend the privilege of anticipatory bail to the petitioner.

Accordingly, the petitioner above named is directed to surrender in the court below within four weeks and pray for bail, and in that event, he shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each, to the satisfaction of learned Judicial Magistrate 1st class, Jamshedpur in connection with Burmamines P.S. Case No. 43 of 2020, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This application stands allowed.

(Rongon Mukhopadhyay, J)

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