

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 11074 of 2022

1. Dilip Kumar Hansda
2. Bhagmat Hansda @ Bhagat Chandra Hansda **Petitioners**

Versus

1. The State of Jharkhand
2. Raymoni Hansda @ Raimuni Hansda @ Pratima Hansda
.....**Opposite parties**

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Chandrajit Mukherjee, Advocate

For the State : Mrs. Shweta Singh, A.P.P.

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Order No.05/ Dated:11.03.2024

1. It is a complaint case, inspite of valid service of notice, opposite party no.2 did not appear.
2. Heard learned counsel for the parties.
3. Apprehending their arrest in connection with Complain Case No. 77 of 2021 instituted under Sections 323, 498A, 494, 406/34 of the Indian Penal Code, the petitioners have moved to this Court for grant of privilege of anticipatory bail.
4. As per complaint case, there is allegation that the petitioners subjected the complainant to cruelty and torture and used to say that she is sterile (Banjh) It is alleged that the husband had solemnized second marriage and the accused persons drove her out from her matrimonial home.
5. Learned counsel for the petitioners has submitted that petitioners are innocent and have committed no offence at all rather they have been falsely implicated in this case. It is lastly submitted that the petitioners undertake 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 petitioners. Hence, the petitioners may be extended the privilege of anticipatory bail.

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

7. It appears that complainant married to the petitioner no.1 on 17.01.2011. There are general and omnibus allegation about additional demand of dowry. She lived in her parent's home till 2016, thereafter, in the month of January, 2017 when she started living in the matrimonial house, then she was being tortured and tormented regularly. When her husband become a Bank employee, his parents and her husband started assaulting in drunken State. Her in-laws and other family members were also torturing and tormenting the complainant and ultimately she was ousted from matrimonial house after physically assaulting her. It is a complaint case and summons have been issued against the petitioner after taking cognizance of the offence. There is no necessity of custodial trial of the petitioners.

Considering the facts and circumstances of this case, the nature of allegation coupled with materials on record, I am inclined to grant privilege of anticipatory bail to the petitioners. Accordingly, the petitioners are directed to surrender in the Court below within four weeks from today and in the event of their arrest or surrendering, they will be enlarged on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Ghatshila in connection with Complain Case No. 77 of 2021 with the condition that they will co-operate with the trial of the case and appear before the investigating officer as and when noticed by him and furnish their mobile number and photocopy of the Aadhar Card with an undertaking that they will not change their 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.

(Pradeep Kumar Srivastava, J.)

R.K/