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Rakesh Kumar Vs. the State of Jharkhand and Another

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Court : Jharkhand

Decided On : Sep-17-2013

Appellant : Rakesh Kumar

Respondent : The State of Jharkhand and Another

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI Cr. M.P. No. 1485 of 2012 Rakesh Kumar ... . Petitioner Versus The State of Jharkhand & Anr. Opp. Parties ----- CORAM: HONBLE MR. JUSTICE R.R. PRASAD ----- For the Petitioner : Mr. Rajan Raj, Advocate For the State : APP For the O.P. No.2 : Mr. Gautam Kumar, Advocate ----- 16/17.09.2013. Pursuant to order dated 20.08.2013, the petitioner as well as Opp. Party No.2 are present in the Court. This application is directed against the order dated 31.05.2012 passed in C1- Case No.1081 of 2010 whereby and whereunder, provisional bail granted to the petitioner was cancelled, on the ground that the petitioner disobeyed the terms and conditions set forth in the order. When this application was preferred, the matter was referred before the Conciliator, Jharkhand State Legal Services Authority, Ranchi whereby the parties have again arrived at to a certain terms and conditions, which are being reproduced hereinbelow:- 1. That the Petitioner-husband agreed to keep his O.P.2 wife to the place of his posting at Block Laar (U.P.) after taking a rented house there. It has been agreed that the Petitioner-husband will take a rented house at Block- Laar (U.P.) and will keep his O.P.2 wife in that house with proper care and respect. He agreed to pay proper respect and dignity to his O.P.2 wife. The

husband agreed to take his wife immediately after taking the rented house at Laar.

2. That O.P.2 wife also agreed to pay proper respect to her husband and will fulfill all the responsibilities towards her husband being his wife.

3. That the husband whenever goes to his parental house, he will take his wife with him and will return to the place of his posting along with his wife.

4. That the husband also agreed to maintain his wife properly and will fulfill all her basic requirements such as foodings, clothings, medical facilities, if any.

5. The husband is also ready to execute bonds in the Court with regard to keeping her properly, in the place of his posting at Block-Laar (U.P.).

6. That it has been also agreed that the parents guardians of both the couple will not interfere in the matrimonial life of the couple.

7. That it has been agreed that the father of O.P.2 wife can come to Block-Laar to see the place where, his daughter is living. But the father of O.P.2 will meet with his daughter in presence of the Petitioner-husband and will not stay for a longer period in the said house.

8. That the aforesaid settlement has been arrived between the parties at their sweet will and without any undue-influence. Thus, it was submitted by Mr. Rajan Raj, learned counsel appearing for the petitioner that the petitioner will be taking his wife to the place agreed upon to live at from the court itself on the day the case has been fixed before the court below. Upon it, Mr. Gautam Kumar, learned counsel appearing for the Opp. Party No.2 submits that the petitioner must observe the terms and conditions, which have been laid down by the Conciliator and whenever, the terms and conditions would be breached, the bail bond would be liable to be cancelled. In view of the facts and circumstances stated above, the petitioner is directed to take his wife with him to the place agreed upon to live at and to observe the terms and conditions agreed upon, failing which, bail bond would be liable to be cancelled. Thus, the order dated 31.05.2012 passed in C/1 Case No.1081 of 2010, under which provisional bail, granted to the petitioner, was cancelled, is hereby set aside. Accordingly, this application stands disposed of.

(R.R. Prasad, J.) Ravi/

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