

Rajeev Kumar Vs. State of Jharkhand

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Court : Jharkhand

Decided On : Jan-15-2008

Reported in : [2008(1)JCR424(Jhr)]

Judge : R.R. Prasad, J.

Appellant : Rajeev Kumar

Respondent : State of Jharkhand

Judgement :

R.R. Prasad, J.

1. Heard the learned Counsel appearing for the petitioner and the learned A.P.P. appearing for the State. The petitioner, who is an accused for offence under Sections 498 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act, prays for anticipatory bail expressing apprehension of his arrest in connection with Kanke P.S. Case No. 59 of 2006.

2. Learned Counsel appearing for the petitioner submits that the petitioner, who happens to be the husband of the informant as well as other accused persons including father-in-law, mother-in-law and brother-in-law (devar), though have been alleged to have subjected the informant to torture on account of non-fulfillment of the demand of dowry, but the entire allegation is false and that according to the case of the prosecution, the marriage took place on 19.2.2005 in

between the petitioner and the informant and after living three days at the place of his parents, this petitioner and the informant went to Bombay and there it is said that this petitioner started demanding Rs. 3,00,000/- so that he may send his brother to U.S.A., but the allegation of demand gets falsified from Annexure-2, which is a letter sent to his brother, namely, Umesh Kumar, by the officials of the University of the Texas, showing that said Umesh Kumar had already been granted scholarship before the marriage of the informant and that even if the allegation made, regarding demand be accepted, that cannot be said to be the demand in connection with the marriage so as to attract the ingredient of the offence under Section 498A of the Indian Penal Code and taking into consideration all these aspects of the matter, father-in-law, mother-in-law and brother-in-law (dever) have been admitted to anticipatory bail and the case of the petitioner stands on identical footing.

3. Record being had to the facts and circumstances of the case, the petitioner above named is directed to surrender before the Court below within three weeks from the date of this order and on his surrender, the petitioner 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 the learned Chief Judicial Magistrate, Ranchi, in connection with Kanke P.S. Case No. 59 of 2006, corresponding to G.R. No. 2650 of 2006, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

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