

Sandeep Kumar Vs. The State of Jharkhand

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Court : Jharkhand

Decided On : Sep-22-2015

Appellant : Sandeep Kumar

Respondent : The State of Jharkhand

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI A. B. A. No. 1452 of 2015 --- Sandeep Kumar, son of Shri Amrendra Ramdas, resident of village Konka, P.O. Karkayahat, P.S. Pathargama, District Godda Petitioner Versus The State of Jharkhand Opp. Party With A. B. A. No. 1439 of 2015 --- 1. Amrendra Ram Das @ Arbind Ram Das, son of Late Dhathuri Ram Das 2. Krishna Devi, wife of Amrendra Ram Das @ Arbind Ram Das, Both resident of village Korka, P.O. Karkayahat, P.S. Pathargama, District Godda Petitioners Versus The State of Jharkhand Opp. Party --- CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY --- For the Petitioner : Mr. Indrajit Sinha, Advocate For the State : Mr. Shekhar Sinha, A.P.P. For the Informant : M/s. A. K. Kashyap, Sr. Advocate & : Mr. Manoj Kumar Sah, Advocate --- 08/22.09.2015 Heard Mr. Indrajit Sinha, learned counsel appearing for the petitioners and Mr. Shekhar Sinha, learned A.P.P. for the State assisted by Mr. A. K. Kashyap, learned senior counsel appearing for the informant. Petitioners have prayed for grant of anticipatory bail, as they are apprehending their arrest in connection with Patratu P.S. Case No. 270 of 2014 corresponding to G. R. No. 4492 of 2014 registered for the offences punishable under Section 420 of the Indian Penal Code and Section 3 /4 of the Dowry Prohibition Act, pending in the

Court of learned Judicial Magistrate, 1st Class, Hazaribagh. The allegations which have been made in the First Information Report suggest that the marriage of the daughter of the informant was to be solemnized with Sandeep Kumar, the petitioner in A.B.A. No. 1452 of 2015. It is alleged that the father of the groom, petitioner No. 1 in A.B.A. No. 1439 of 2015 was paid a sum of Rs. 51,000/- and subsequently a sum of Rs. 2,00,000/- was also given to him vide -2- Cheque dated 17.06.2014. It is also alleged that with respect to jewellery for the marriage on demand by the father of the groom, jewellery worth Rs. 5,20,000/- from M/s. Tulsayan Jeweller was purchased and handed over to him. Subsequently, however, just before the engagement, there was demand of Rs. 10,00,000/- along with an I-20 car to which the informant showed his inability to pay the same. Mr. Indrajit Sinha, learned counsel appearing for the petitioners submits that so far as the amount of Rs. 2,00,000/- which was given vide Cheque No. 972456 dated 17.06.2014 is concerned, the same has already been returned back to the informant. It has been submitted that two cheques were encashed for purchase of jewellery from M/s. Tulsayan Jeweller amounting to Rs. 3,00,000/- and Rs. 2,00,000/-. It has been submitted that from the receipts of M/s. Tulsalyan Jeweller some of the jewellery has been purchased after the date of issuance of the cheque which itself creates a doubt with respect to the purchase of jewellery for an amount of Rs. 2,00,000/-. Learned counsel further adds that most of the receipts granted by M/s. Tulsayan Jewellery is purportedly in the name of the petitioner no. 1 in A.B.A. No. 1452 of 2015 but it has been mentioned as Arbind Ram Das whereas his actual name Amrendra Ram Das. It has further been submitted that it is the case of the petitioners that the entire jewellery had been returned back to the informant. Learned counsel further adds that the First Information Report itself shows that the entire grievance of the informant is that on account of non-fulfillment of the marriage the informant was maligned in the society. Mr. Shekhar Sinha, learned A.P.P., on the other hand, has opposed the anticipatory bail and has submitted that in course of investigation several witnesses have supported the demand of dowry by the petitioners which at the initial stage was fulfilled but the informant subsequently on the demand of enhanced dowry showed his inability to pay. He has referred to the statement of the independent witnesses recorded at Paragraph - 7 of the case diary and has also referred to Paragraph - 54 onwards

of the case diary to show -3- that all the petitioners were involved in the commission of the offence. Mr. A. K. Kashyap, learned senior counsel appearing for the informant while opposing the anticipatory bail of the petitioners has submitted that in all the applications the name of the petitioner has been mentioned as Amarendra Ram Das including the present anticipatory bail application but his alias name also been mentioned as Arbind Ram Das. Therefore, in such circumstance, the argument of the learned counsel for the petitioners with respect to the name of Arbind Ram Das as mentioned in the receipt of the M/s. Tulsayan Jeweller instead of Amrendra Ram Das gets negated. It has further been submitted that initially an amount of Rs. 51,000/- was given and thereafter the amount of Rs. 2,00,000/- cheque was given to Arbind Ram Das and thereafter jewellery worth Rs. 5,50,000/- was handed over to him but subsequently on account of further demand made from the petitioners, marriage of the daughter of the informant could not be solemnized. The entire jewellery which have been purchased by the informant for the purposes of the marriage has been kept by the accused persons. Learned senior counsel further adds that the First Information Report itself shows how the accused persons were trying to squeeze the informant to meet their illegal and unlawful demand. After hearing the learned counsel for the parties and on perusal of the documents, it appears that in the First Information Report, there is specific allegation against all the petitioners of demand of dowry which have been fulfilled by the informant by paying cheque. The further allegations with respect to the enhancement of demand of dowry by the petitioners clearly make the offence much more serious in nature. It is common knowledge that the demand of dowry prior to the marriage is rampant in the society. This case is one of the classic examples in which after the date of engagement was fixed further demand of Rs. 10,00,000/- and I - 20 car was made and non-fulfillment on the part of the informant led to non-solemnization of the marriage. The entire documents annexed to the anticipatory bail application speaks out about the unlawful demand of dowry which has been made -4- by the accused persons and in my view in such type of offences the accused persons do not deserve privilege of anticipatory bail. Regard being had to the above, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners is rejected. Pending I.A.s, if any, also stands disposed of. (R.

Mukhopadhyay, J.) Umesh/-

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