

(2008) 03 JH CK 0020
Jharkhand High Court
Case No: None

Deenanath Prasad and Another

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision: March 18, 2008

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 125, 438
- Penal Code, 1860 (IPC) - Section 323, 34, 341, 386, 498A
- Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 - Section 3

Citation: (2008) 2 JCR 430

Hon'ble Judges: Rakesh Ranjan Prasad, J

Bench: Single Bench

Judgement

@JUDGMENTTAG-ORDER

R.R. Prasad, J.

Heard the learned Counsel appearing for the petitioners and the learned APP appearing for the State. The petitioners, who are accused for offence under Sections 341, 323, 386, 504, 506 and 34 of the Indian Penal Code and also u/s 3(i)(x)(viii) of the SC and ST (Prevention of Atrocities) Act, pray for anticipatory bail expressing apprehension of their arrest in connection with SC and ST P.S. Case No. 4 of 2008.

2. Learned Counsel appearing for the petitioners submits that the petitioners" daughter was married to the complainant in the year 1995 and both the petitioners as well as complainant lived happily together at the place of the posting of the complainant and lastly they stayed at Bombay till 2002 and during these periods, one child begotten out of their wedlock, but in the year 2003, when the daughter of the petitioners became fed up with the torture meted to her she came to her parents" house and lodged a case, which was instituted u/s 498A of the Indian Penal Code and subsequently an application u/s 125, Cr PC was also filed in the Court in

which complainant did appear on notice being issued and the other day he lodged a complaint case, putting allegation that when the complainant had come to attend the Court, these two petitioners put demand of the money and even abused him which according to the complainant attracted offence u/s 3(i)(x)(viii) of the SC and ST (Prevention of Atrocities) Act, but the entire allegations are false which in the facts and circumstances of the case appears to be not only absurd but also improbable and that so far allegation made u/s 3(i)(x)(viii) of the SC and ST (Prevention of Atrocities) Act is concerned, that in the facts and circumstances, is never attracted, as the complainant has never disclosed in the complaint that he was abused by these petitioners with intent to humiliate the complainant within the public view and if the act alleged is not within the public view, no offence is attracted under the Atrocities Act and in that view of the matter, this application gets maintainable and the petitioners are entitled to bail, keeping in view the facts and circumstances of the case.

3. Regard being had to the facts and circumstances of the case, the petitioners above named are directed to surrender before the Court below within ten days from the date of this order and on their surrender, the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Ranchi, in connection with SC and ST P.S. Case No. 4 of 2008, corresponding to G.R. No. 357 of 2008, subject to condition as laid down u/s 438(2) of the Code of Criminal Procedure.