

(2012) 07 JH CK 0133

Jharkhand High Court

Case No: A.B.A. No 1578 of 2012

Krishna Kant Rajak @ Krishna
Padmesh

APPELLANT

Vs

The State of Jharkhand and Usha
Devi

RESPONDENT

Date of Decision: July 5, 2012

Acts Referred:

- Dowry Prohibition Act, 1961 - Section 3, 4
- Penal Code, 1860 (IPC) - Section 323, 34, 341, 379, 498A

Citation: (2012) 4 JCR 589

Hon'ble Judges: Jaya Roy, J

Bench: Single Bench

Advocate: Prabhas Chandra Jha, for the Appellant; Shekhar Prasad Sinha, Advocate for the Opp. Party No. 2, for the Respondent

Final Decision: Dismissed

Judgement

Jaya Roy, J.

Heard the learned counsel for the petitioner, the learned counsel for the State and the learned counsel for the opposite party no. 2. Petitioner is an accused in a case registered under Sections 341/323/379/ and 498A/34 of the I.P.C. and u/s 3/4 of the Dowry Prohibition Act.

2. The learned counsel for the petitioner has submitted that the opposite party no. 2 had stayed at her Matrimonial House only for few days after her marriage and on 19.03.2009 she left her Matrimonial house taking her all ornaments, clothes and other articles without giving any information even to her husband (the petitioner). It is also submitted that S.P. Dhanbad had got the matter inquired by the Police Inspector, Topchanchi and the report submitted by the said Inspector, shows that the entire allegations made in the F.I.R. are totally false. It is also contended that the

petitioner is mentally retarded and he is under the medical treatment from 2008. It is also contended that the father of the present petitioner always ready to keep the opposite party no. 2 with them and he had requested the opposite party no. 2 for several times to come back but she did not agree to come back.

3. The learned counsel for the opposite party no. 2 has submitted that alter the marriage, the petitioner and other co-accused demanded fifty thousand rupees cash and non payment of the same, they including the petitioner, started assaulting the opposite party no. 2 and treated her with cruelty. It is also submitted that on 15.3.2009 the petitioner had demanded again the aforesaid amount and when the informant refused, she was brutally assaulted by the petitioner and other co-accused. On 19.3.2009 the mother of the informant came to the opposite party no. 2 and tried to settle the dispute but as the matter was not settled, she took the informant at her own house. It is also stated that even on mobile phone, the petitioner and his parents threatened the informant and said they would solemnize marriage of the petitioner with another lady if the demand is not fulfilled by the informant or her family members.

4. The learned counsel for the State has submitted that it has come in the impugned order that the report of the Inspector submitted to the S.P. Dhanbad shows that he had recorded the statements of the opposite party no. 2 (the informant) in which she has stated that her in-laws at her matrimonial house used to harass her and her husband (the petitioner) is a mental patient. It is further submitted by the State counsel that the certificate of the C.M.O., Allahabad shows that it is case of moderate mental retardation. Considering the submissions made by the parties and perused the material on records, I find there is specific allegation against the petitioner and other co-accused regarding torture and demand of dowry. Further more, though it is argued that the petitioner is a mental patient but the report of C.M.O., shows about him that it is case of Moderate menial retardation, therefore, at least he is having capacity of understanding. Considering all these aspect, I am not inclined to grant anticipatory bail to the petitioner. Accordingly the prayer for anticipatory bail of the petitioner is hereby, rejected.