

Mrs. Madhulata vs The State Of Jharkhand on 17 January, 2025

Author: Gautam Kumar Choudhary

Bench: Gautam Kumar Choudhary

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 3431 of 2023

Mrs. Madhulata, age 42 years, daughter of Sri Dinesh Prasad Yadav (Advocate) wife of Pinku Kumar, resident of Road No.4, Latma Road, opposite to Savitri Kunj Appt., Prem Nagar, P.O. Hatia, P.S. Jagarnathpur, District Ranchi-834003 Petitioner Versus

1. The State of Jharkhand

2. Pinku Kumar @ Pankaj Kumar son of Late Ramawatar resident of Road No.4, Latma Road, opposite to Savitri Kunj Appt., Prem Nagar, P.O. Hatia, P.S. Jagarnathpur, District Ranchi-834003 Opp. Parties CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY For the Petitioner : Mr. Brijnandan Kumar, Advocate For the State : Ms. Ruby Pandey, A.P.P. For the O.P. No.2 : Mr. Mitul Kumar, Advocate

Order No.07 / Dated : 17.01.2025 Instant petition has been filed for cancellation of anticipatory bail granted by this Court in A.B.A. No. 5584 of 2022 vide order dated 16.09.2022 to the opposite party in connection with Jagarnathpur P.S. Case No.366 of 2021 under Sections 341, 323, 379, 498A, 504, 506/34 of the IPC.

2. It is argued by the learned counsel on behalf of the petitioner that after the grant of anticipatory bail to O.P. No.2, the petitioner was subjected to domestic violence in his hand to oust her from her matrimonial home. A report in this regard was called for by J.M.- XXVII, in Complaint Case No.5279/2022 vide letter no.209 dated 01.09.2022. As per the DIR report dated 11.10.2022, petitioner was subjected to harassment and was ousted from the domestic establishment. It is argued that the petitioner and the minor child are being denied right of inheritance in property.

3. Learned counsel on behalf of O.P. No.2 submits that this case is a fall out of divorce suit filed by him being O.S. No. 6669/2021. It is also submitted that conditions for cancellation of bail are not made out.

4. On considering the rival submissions and materials on record, it is apparent that the bail of O.P. No.2 was granted on merit vide order dated 16.09.2022, whereas report regarding domestic violence was called for on 01.09.2022. No fresh material has been filed in support of breach of condition of anticipatory bail or the petitioner being subjected to cruelty in reference to the unlawful demand. So

far as domestic violence is concerned, there are sufficient provisions for passing of prohibitory order under the Protection of Women from Domestic Violence Act, 2005.

I do not find any merit in the instant petition for cancellation of the anticipatory bail which accordingly, stands rejected.

(Gautam Kumar Choudhary, J.) Anit