

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 18 of 2021

Stuti Sarah @ Stuti Sarah Lall Petitioner
Versus
1. The State of Jharkhand
2. Johnson Kachhap Opposite Parties

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Mukesh Kumar, Adv.
For the O.P.No.2 : Mr. Pankaj Kumar Srivastava, Adv.

05/24.11.2025 Heard Mr. Mukesh Kumar, learned counsel for the petitioner and Mr. Pankaj Kumar Srivastava, learned counsel appearing for the opposite party no.2.

This application has been preferred by the petitioner for cancellation of anticipatory bail granted to the opposite party no.2.

It appears that the opposite party no.2 had approached this Court for grant of anticipatory bail in A.B.A. No.2601 of 2020 and considering the fact that the opposite party no.2 had filed a suit for restitution of conjugal rights prior to institution of the First Information Report, he was granted anticipatory bail vide order dated 31.07.2020. Being aggrieved by the grant of anticipatory bail to the opposite party no.2, the petitioner has approached this Court for cancellation of the same.

Submission has been advanced by the learned counsel appearing for the petitioner that after the opposite party no.2 was granted anticipatory bail, he is continuing to send vulgar messages threatening the petitioner as well as her witnesses with dire consequences and on account of which the trial is being lingered. It has further been submitted that the opposite party no.2 has solemnized a second marriage during the pendency of the criminal case instituted against him.

Mr. Pankaj Kumar Srivastava, learned counsel for the opposite party no.2 has relied on the supplementary

affidavit filed by him and it has been stated that the suit preferred by the opposite party no.2 prior to institution of the First Information Report for restitution of conjugal rights has been decreed on contest in favour of the opposite party no.2. It has been submitted that in the suit no such allegations were made against the opposite party no.2.

It appears that several whatsapp and facebook messages have been brought on record through an affidavit and the same seems to form the foundation of the petitioner with respect to the prayer made for cancellation of anticipatory bail granted to the opposite party no.2. The whatsapp and facebook messages appear to be prior to 2021 and almost 5 years have passed since the time such messages were sent and there does not appear to be any change in the circumstances despite the alleged threats issued to the petitioner and her witnesses. So far as the allegation of the opposite party no.2 solemnizing a second marriage is concerned, the petitioner is always at liberty to institute a fresh case in terms of the relevant provisions of BNS.

In view of the fact that no case for cancellation of anticipatory bail granted to the opposite party no.2 vide order dated 31.07.2020 passed in A.B.A. No.2601 of 2020 is made out, I am not inclined to entertain this application which consequently stands dismissed. However, if the petitioner is aggrieved by the threats purportedly meted out to her witnesses, she can always approach the learned trial court for protection to the witnesses in terms of the prevalent schemes.

(Rongon Mukhopadhyay, J.)

Shamim/-