



IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No.359 of 2018

2018:JHHC:30987

Vishwajeet Banerjee @ Vishwajeet Banarjee Petitioner

Versus

The State of Jharkhand

.... Opposite Party

CORAM: HON'BLE MR. JUSTICE NAVNEET KUMAR

For the Petitioner : Mr. Navin Kr. Singh, Advocate

For the State : Mr. Nawin Kr Singh. APP

Through: Video Conferencing

11/13.04.2022 At the outset, it appears that this criminal revision application has been restored vide order dated 11.04.2022 passed in Cr.M.P. No.995 of 2022 including the Interlocutory applications.

Heard learned counsel for the petitioner and learned counsel for the State.

Learned counsel appearing on behalf of the revisionist submitted that an I.A. No.2827 of 2022 has been filed with a prayer for grant of provisional bail to the petitioner.

It has been contended on behalf of the revisionist that the petitioner being the husband has been convicted for the offence punishable under Section 498-A of the IPC by the Lower Appellate Court and he was sentenced to undergo R.I. for three years and a fine of Rs.2,000/- for the said offence. It has been pointed out that the sole brother of the petitioner was killed in a road accident on 01.04.2022 and there is no other person in his family to perform his last rites and this petitioner has surrendered in the Court below on 10th February 2022 and since then he is in jail. It has also been submitted that it is a matrimonial dispute and the petitioner being the husband, is ready resolve the dispute amicably through negotiation and settlement in the mediation center at Jharkhand state Legal Services Authority and therefore taking into consideration the urgency of performing the last rites of his deceased brother, he may be granted provisional bail for one month.



On the other hand, learned APP appearing on behalf of the State, without refuting the fact that his brother was killed in the accident, he has to perform the last rites of his deceased brother being the sole member of the family and taking into consideration the parents are very old, it is submitted that it is a matrimonial dispute and the petitioner is in jail since 10th of February 2022, he may be enlarged on provisional bail.

It has also been urged on behalf of the State that let the lower court record be called for in order to appreciate the facts of the case in totality.

Having taken into consideration the aforesaid submission and fact, it is found that the revisionist being the husband has been convicted for the offence punishable under Section 498-A of IPC and sentenced to undergo R.I. for a period of three years and fine of Rs.2,000/- by the judgment dated 27.01.2018 passed in Cr. Appeal No.161 of 2014 by the lower appellant court. It has further been found that the petitioner has surrendered before the learned trial Court and petitioner / revisionist is in jail since 10.02.2022. Further, it is found that it is matrimonial dispute between the parties and the petitioner undertakes to resolve the dispute amicably through negotiation and settlement in the mediation center. It is also found that from the contents of the interlocutory application filed on behalf of the petitioner that the sole brother of the petitioner was killed in the road accident on 01.04.2022 and the petitioner has to perform the last rites of the deceased brother being the sole members and his parents are very old.

Under the facts and circumstances and submission on behalf of the parties, the petitioner is directed to be enlarged on provisional bail with two sureties of 25,000/- (Twenty Five Thousand) to the satisfaction of the learned Judicial Magistrate, 1st Class, Ramgarh in connection with G.R. Case No.2020 of 2008, T.R. Case No.859 of 2014 till 8th May 2022, with a condition *inter alia* that at the time of furnishing bail bonds, an undertaking on behalf of the petitioner shall



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be given that he will surrender on 9th May 2022 and before accepting the bail bonds, the court below will ensure that the said undertaking is given on behalf of the petitioner and also that one of the bailors will be his relative.

Accordingly, the I.A. No. 2827 of 2022 is disposed of, as such.

Put up this case on 11th may 2022.

Learned counsel for the petitioner is directed to submit the surrender certificate before 11th May 2022.

In the meantime, issue notice to opposite party No.2 at the address given in the application through registered post with A/D as well as ordinary process, for which requisites etc. must be filed within ten days.

Let the Lower Court Record be called for.

Let this order be communicated today itself through Fax / e-Mail at the cost of the petitioner.

(Navneet Kumar, J.)

R.Kumar