

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).5770/2009

(From the judgement and order dated 03/07/2009 in ABA No.1179/2008, of The  
HIGH COURT OF JHARKHAND AT RANCHI)

BHIM CHANDRA DUTTA Petitioner(s)

VERSUS

STATE OF JHARKHAND & ANR. Respondent(s)  
(With appln. for anticipatory bail and impleadment)  
(For final disposal)

Date: 06/09/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA  
HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s) Mr. Sarthak Choudhary, Adv.  
Mr. Neeraj Srivastava, Adv.  
Mr. Debasis Misra, Adv.

For Respondent(s) Mr. Ratan Kumar Choudhuri, Adv.  
Ms. Nandini Sen, Adv.  
Mr. Deba Prasad Mukherjee , Adv

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

[ Usha Bhardwaj ]  
A.R-cum-P.S.

[ Usha Sharma ]  
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO. 1415 OF 2013  
(Arising out of S.L.P. (Crl) No.5770 of 2009

|Bhim Chandra Dutta

| ..Appellant(s) |

Versus

|The State of Jharkhand

| ..Respondent(s) |

O R D E R

Leave granted.

This appeal has been preferred by the appellant-husband from the order dated 03.07.2009 passed by the High Court of Jharkhand at Ranchi in A.B.A. No.1179 of 2008. By the impugned order the High Court of Jharkhand refused to grant anticipatory bail in favour of the appellant-husband.

It appears that a complaint has been filed by the complainant-wife against the appellant-husband for the allegations under Section 323/498A/420/506/34 IPC as also under Section 3 and 4 of the Dowry Prohibition Act.

According to the appellant-husband, he has already filed a petition for the restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955, which is pending. It is stated that the appellant wanted to reach an amicable settlement with the wife. That is the reason he filed an petition for anticipatory bail.

...2/-

:2:

On 24th August, 2009, the complainant wife was impleaded as respondent, notice was issued and an interim order was passed by this Court prohibiting the arrest of the appellant in connection with Cl. Case No.1882 of 2007. On notice, the respondent had appeared.

Learned counsel appearing on behalf of the complainant-wife submits that because of the pendency of the present case, hearing of the complaint filed by the complainant-wife has not been expedited and in the result the appellant-husband and other in-laws are taking undue advantage of the interim order passed in their favour.

In the present case as we find that there is a dispute between the husband and wife and there may be chances of settlement in future and that this Court on 24/8/2009 issued interim order with a direction not to arrest the appellant in connection with Cl. Case No.1882 of 2007 and there is no allegation made by any of the respondents that the appellant had misused the inteim order passed by this Court, we are inclined to grant relief as sought for.

We, accordingly, allow the appeal, set aside the order passed by the High Court. It is directed that in the event of arrest, the appellant shall be enlarged on bail

...2/-

:3:

subject to his furnishing bail bonds of Rs.20,000/- with one surety of the like amount to the satisfaction of the trial court in connection with Cl. Case No.1882 of 2007.

The trial court is requested to expedite the hearing of the case and dispose of the matter at an early date.

We further make it clear that the pendency of the case shall not stand in the way of the appellant or the complainant to settle the dispute amicably.

.....J.  
[ SUDHANSU JYOTI MUKHOPADHAYA ]

.....J.  
[ RANJAN GOGOI ]

NEW DELHI,  
SEPTEMBER 06, 2013