

ITEM NO.66

COURT NO.12

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 5767/2017

(Arising out of impugned final judgment and order dated 22-06-2017 in CRLM No. 50329/2016 passed by the High Court Of Judicature At Patna)

OM PRAKASH

Petitioner(s)

VERSUS

THE STATE OF BIHAR & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.69363/2017-EXEMPTION FROM FILING O.T.)

Date : 18-09-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Sukant Vikram, AOR
Mr. Anshuman Sahni, Adv.

For Respondent(s) Mr. Gopal Singh, AOR
Mr. Aditya Raina, Adv.

Mr. Kumar Parimal, Adv.
Mr. Aniruddha P. Mayee, AOR

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

Heard learned counsel for the parties.

It is urged by learned counsel for the appellant that respondent No. 2 left the matrimonial home on 19.11.2013. However, learned counsel for respondent No. 2 informs us that the husband made her leave the matrimonial home some time in February, 2014.

It is admitted by learned counsel for respondent No. 2 that the husband filed a petition under Section 9 of the Hindu Marriage Act on 08.07.2016 and the present petition under Section 498 A was filed only on 17.08.2016 followed by another petition dated 18.11.2016 under Section 12 of the Domestic Violence Act.

We are clearly of the view that the later mentioned petitions are a gross abuse of process of the court, filed long after the cessation of the relationship between the parties, and appears to be a pressure tactic to get over the husband's Section 9 petition.

We are, therefore, of the view that the High Court judgment refusing anticipatory bail is incorrect and needs to be set-aside. Anticipatory bail be granted to the petitioner to the satisfaction of the trial court.

The special leave petition is accordingly disposed of.

(SHASHI SAREEN)
AR CUM PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER