

**2022 LiveLaw (SC) 877**

**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
AJAY RASTOGI; J., C.T. RAVIKUMAR; J.  
OCTOBER 18, 2022**

**CRIMINAL APPEAL NO(S). 1803 OF 2022 [ @ SPECIAL LEAVE PETITION (CRL.) NO. 1771 OF 2022 ]  
RAVIKANT SRIVASTAVA @ RAVI KANT SHRIVASTAVA versus THE STATE OF JHARKHAND & ANR.**

**Code of Criminal Procedure, 1973 (Act 2 of 1974) – Section 482 – Inherent powers of High Court – Accused cannot be made to pay *ad interim* victim compensation by the High Court in the exercise of their inherent powers as a precondition to get anticipatory bail without reasonable justification – Held, there was no reasonable justification for the High Court to call upon the appellant to submit a demand draft of Rs. 10 lakhs in availing the benefit of pre-arrest bail – Appeal allowed.**

(Arising out of impugned final judgment and order dated 05.03.2021 in CRMP No. 2315 of 2020 passed by the High Court of Jharkhand at Ranchi)

*For Petitioner(s) Mr. Vishal, Adv. Mr. Rajiv Ranjan Dwivedi, AOR Mr. Prakash Chaudhary, Adv.*

*For Respondent(s) Mr. Vishnu Sharma, Adv. Ms. Madhusmita Bora, AOR Mr. Pawan Kishore Singh, Adv. Ms. Anupama Sharma, Adv. Mr. Arvind Gupta, AOR Mr. Mohit Bidhuri, Adv. Mr. Utkarsh Sahu, Adv.*

**ORDER**

Leave granted.

The present appeal has been filed by the appellant-husband assailing the condition incorporated by the High Court while granting him anticipatory bail under its order dated 15-02-2019 followed with dated 04/05-03-2021, indicating that for pre-arrest bail, he has to deposit a Demand Draft of Rs. 10 Lakhs as ad-interim victim compensation in favour of Respondent No. 2 - wife.

It is indeed a matrimonial dispute between the parties and their marriage was solemnized according to the Hindu Rights and Customs on 11.06.2015, but later because of their matrimonial differences, an application was filed by the appellant seeking dissolution of marriage on 08.07.2016 and Respondent No. 2 also instituted a Criminal Complaint against the appellant (husband) No. 2233/2017 on 27.07.2017 before the Chief Judicial Magistrate, which was later converted to FIR No. 3055 of 2018 on 22.02.2018 for offences under Section 498A, 120B, 323, 324 IPC read with Section 3/4 Dowry Prohibition Act.

Being the non-cognizable offence, the appellant approached the Court by filing application seeking pre-arrest bail. The High Court granted pre-arrest bail on the premise that the appellant shall resume the conjugal life as stated in para 8 of the of the bail application. But the ground realities are once the parties are into matrimonial discord and instituting *inter se* proceedings to restore conjugal rights, is otherwise not possible.

At this point of time, the High Court exercised its powers under Section 482 Cr. P.C. and passed the order directing the appellant to submit a Demand Draft of Rs. 10 Lakhs as ad-interim victim compensation, as revealed from the order dated 04/0503-2021 to permit the appellant to avail the benefit of pre-arrest bail.

After we have heard counsel for the parties, we find no reasonable justification for the High Court to call upon the appellant to submit a demand draft of Rs.10 lakhs in availing the benefit of pre-arrest bail.

Consequently, the appeal stands allowed and the order passed by the High Court dated 04/05-03/2022 directing the appellant to deposit a Demand Draft of Rs. 10 Lakhs is hereby set aside.

Pending interlocutory application(s), if any, is/are disposed of.

---

© All Rights Reserved @LiveLaw Media Pvt. Ltd.

\*Disclaimer: Always check with the original copy of judgment from the Court website. Access it [here](#)