

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**A.B.A. No.9018 of 2021**

Danish Akhtar	....	....	....	Petitioner
Versus				
1. The State of Jharkhand				
2. Saba Parween	....	....	....	Opposite Parties

**CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

For the Petitioner : Mr. Mohit Prakash, Advocate  
Ms. Vani Kumari, Advocate  
For the State : Mr. Sanat Kr. Jha, Addl.P.P.  
For the O.P. No.2 : Mr. Binod Kr. Jha, Advocate

**Order No.03 Dated- 17.01.2022**

Heard the parties through video conferencing.

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Lower Bazar P.S. Case No.231 of 2021 registered under Section 4 of Muslim Women (Protection of Rights on Marriage) Act, 2019.

Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner being a Muslim husband has pronounced Talaq referred to under Section 3 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 upon the informant/opposite party No.2 who is his wife. It is submitted that the allegation against the petitioner is false. It is next submitted that the petitioner has not committed any offence but the petitioner admits that he was the husband of the informant/opposite party No.2. It is also submitted that the averments made in the F.I.R. do not constitute any offence punishable under Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 as the Talaq was pronounced on 21.06.2021, on 25.07.2021 as mentioned in the anticipatory bail application but the learned counsel for the petitioner submits that it has wrongly been printed as 25.07.2021 but it should be read as 25.07.2021 and on 25.08.2021, hence, the three Talaqs were not given simultaneously. It is next submitted that Section 2 (c) of the Muslim Women (Protection of Rights on Marriage) Act, 2019 defines Talaq as- "*talaq*" means *talaq-e-biddat* or any other similar form of *talaq* having the effect of instantaneous and irrevocable divorce pronounced by a Muslim husband. It is then submitted that the Talaq between the petitioner and the

informant/opposite party No.2 was not *talaq-e-biddat*. Hence, it is submitted that the petitioner be given the privilege of anticipatory bail.

Learned Addl. P.P. appearing for the State being assisted by the learned counsel for the informant/opposite party No.2 vehemently oppose the prayer for grant of anticipatory bail and submit that the meaning of Talaq as mentioned in Section 2 (c) of the Muslim Women (Protection of Rights on Marriage) Act, 2019 is not only confined to *talaq-e-biddat* but in addition to that it also includes as has been mentioned under Section 2 (c) of the Muslim Women (Protection of Rights on Marriage) Act, 2019 any other similar form of Talaq having the effect of instantaneous and irrevocable divorce pronounced by a Muslim husband and it is not even disputed by the petitioner that the divorce is irrevocable one, as even though the informant/opposite party no.2 is ready and willing to resume conjugal life with the petitioner but the petitioner is avoiding to resume conjugal life with the informant/opposite party No.2 only on the ground that the talaq between the petitioner and the informant is irrevocable one and it is needless to mention that the Talaq came into effect instantaneously after its pronouncement hence, the act of the petitioner is squarely covered under Section 3 and 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 and the alleged Talaq between the petitioner and the informant/opposite party No.2 given by the petitioner is void and illegal and as the petitioner by showing disdain to law enacted by the Parliament, is not ready and willing to look-after and resume conjugal life with the informant/opposite party No.2 without any justifiable reason. It is also submitted that the petitioner is a greedy person and at the time of the marriage between the petitioner and the informant; the petitioner took Rs.25,00,000/- for expenses of marriage, one bullet motorcycle worth Rs.2,00,000/- and jewelries worth Rs.5,00,000/- and other valuables of Rs.1,00,000/- and cash of Rs.5,00,000/- but even after getting those valuables, the hunger for dowry of the petitioner did not satiate, hence, he used to torture the informant/opposite party No.2 in connection with demand of dowry. It is also submitted that the petitioner is resorting to all sorts of the illegal acts by hook or crook to realize more of his dowry demands and the illegal pronouncement of Talaq is one of such tricks from the armory of the petitioner to deprive the informant/opposite party No.2 to lead a decent peaceful life with him. It is next submitted that custodial interrogation of the petitioner is required for recovery of the huge

quantity of the valuables taken by the petitioner at the time of his marriage with the informant/opposite party No.2, as he has no right to retain those properties because of his unwillingness to resume conjugal life with the informant even though the informant is eager to resume conjugal life with the petitioner. It is therefore submitted that the petitioner ought not to be given the privilege of anticipatory bail.

Considering the serious nature of allegation against the petitioner and the requirement of his custodial interrogation during the investigation of the case, this Court is of the considered view that this is not a fit case where the above named petitioner be given the privileges of anticipatory bail. Accordingly, the prayer for grant of privileges of anticipatory bail of the above named petitioner is rejected.

**(Anil Kumar Choudhary, J.)**

Animesh/