



IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.3701 OF 2023  
(arising out of SLP (CrI.) No.5695 of 2023)

KUNAL CHOUDHARY

APPELLANT(S)

VERSUS

THE STATE OF JHARKHAND & ANR.

RESPONDENT(S)

O R D E R

Leave granted.

2. The appellant is assailing the order dated 17.06.2022 passed by the High Court of Jharkhand in Cr.M.P. No.2419 of 2021 filed by the appellant under Section 482 Cr.P.C., praying for modification of the order dated 10.08.2021 passed in A.B.A. No.2025 of 2021. Vide the said order dated 10.08.2021, the High Court had allowed the A.B.A. No.2025 of 2021 on the condition that the appellant shall take the respondent No.2 (wife) to his house at Pandra locality of Ranchi and maintain her with full dignity and honour as his lawful wife.

3. Heard learned counsel for the parties.

4. This Court by the order dated 01.05.2023 had granted the stay against the arrest of the appellant in reference to the Complaint Case No.3004 of 2018 dated 16.07.2018.

5. The High Court vide the impugned order has dismissed the Cr.M.P. No.2419 of 2021 filed by the appellant observing that in view of the adamant attitude of the appellant in not resuming the conjugal life with the opposite party No.2 in the house of the appellant, where the opposite party No.2 was staying, his petition could not be considered. In our opinion, neither such condition should have been imposed by the High Court while granting an anticipatory bail, nor such could be a ground for rejection of the petition filed by the appellant.

6. Having regard to the facts and circumstances of the case, the impugned order deserves to be set aside and is accordingly set aside. It is directed that in the event of the arrest of the appellant in respect of the Complaint Case No.3004 of 2018 filed under Section 498A of IPC, pending in the Court of Chief Judicial Magistrate, Ranchi, he shall be released on bail, on the conditions that may be imposed by the said Court.

7. The Criminal Appeal is allowed accordingly.

8. Pending applications, if any, also stand disposed of.

.....J.  
(BELA M. TRIVEDI)

.....J.  
(SATISH CHANDRA SHARMA)

NEW DELHI;  
DECEMBER 05, 2023.

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGSPetition(s) for Special Leave to Appeal (Crl.) No(s).5695/2023

(Arising out of impugned final judgment and order dated 17-06-2022 in CRMP No.2419/2021 passed by the High Court of Jharkhand at Ranchi)

KUNAL CHOUDHARY

Petitioner(s)

VERSUS

THE STATE OF JHARKHAND &amp; ANR.

Respondent(s)

(IA No. 80614/2023 - EXEMPTION FROM FILING O.T.)

Date : 05-12-2023 This matter was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE BELA M. TRIVEDI  
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMAFor Petitioner(s) Mr. Mayank Sapre, Adv.  
Mr. Kumar Shivam, Adv.  
Mr. Vatsalya Vigya, AORFor Respondent(s) Mr. Vishnu Sharma, Adv.  
Ms. Madhusmita Bora, AOR  
Mr. Pawan Kishore Singh, Adv.  
Mr. Dipankar Singh, Adv.  
Mrs. Anupama Sharma, Adv.Mr. Subhro Sanyal, AOR  
Mr. Sagar Roy, Adv.  
Mr. Bikash Chandra, Adv.  
Mr. Arun Kumar Singh, Adv.  
Mr. Shekhar Kaushik, Adv.  
Mr. Nitya Nanda Mahato, Adv.  
Mr. Amber Shahabaz Ansari, Adv.  
Ms. Deepmala, Adv.  
Ms. Sushma, Adv.  
Mr. Ashraf Mansoori, Adv.  
Mr. K.K. Chauhan, Adv.  
Mr. Sandeep Lamba, Adv.UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

2. In terms of the signed order, the Criminal Appeal is allowed.
3. Pending applications, if any, also stand disposed of.

(RAVI ARORA)  
COURT MASTER (SH)

(BEENA JOLLY)  
COURT MASTER (NSH)

(signed order is placed on the file)