

Date: 19/11/2021

To,

- 1. The Honourable Registrar General,**  
Supreme Court of India,  
Tilak Marg, New Delhi-110001  
(with a humble request to apprise His Lordship Honourable Chief Justice of India)
- 2. The Honourable Registrar General,**  
Jharkhand High Court,  
Doranda, Ranchi-834002.  
(with a humble request to apprise His Lordship Honourable Chief Justice of Jharkhand High Court)

**Subject: Regarding issues of imposing monetary conditions for granting bail in cases related to Section 498A I.P.C. and reluctance of few district courts in granting anticipatory bail in Section 498A I.P.C. cases even to relatives of the husband.**

Honorable Sir,

With due allegiance to the chair and as duty bound citizens, we beg to draw kind attention of Your Honorable on an important vital issue pertaining to imposing stringent monetary conditions for granting anticipatory bail to husband and his family members in cases related to Section 498A I.P.C. and also that of reluctance of few District Courts in Jharkhand to even grant bail to old aged parents, relatives of husband. And in this regard, we beg to humbly submit the following:

1. That it is to state that over the years, it has become common tendency to falsely implicate husband and his family members in false cases of Section 498A of I.P.C. & Sections 3,4 of Dowry Prohibition Act in order to wreak personal vendetta and unleash harassment against husband and his relatives. Even old aged parents, un-married sisters and brothers of the husband are roped in false cases, resulting in loss of job of husband & social respect which brings immense suffering and mental agony to him and his family even leading to suicides.
2. It is relevant to state that the misuse of Section 498A in many cases has been judicially noticed in plethora of judgments and has been termed as "Legal

Terrorism” by Honourable Apex Court. This has also been taken note by Parliamentary Committee on Petitions (Rajya Sabha) and also by Law Commission of India.

3. That it is to state that when misuse of Section 498A is so blatant and there is common tendency to rope in entire innocent family members, it becomes bounden duty to deal with matrimonial cases with sensitivity and gender-neutral approach.
4. It is pertinent to state that matrimonial dispute is not just a legal dispute, but more importantly it is a family problem and a social concern. Matrimonial disputes should not be viewed from glasses of legal technicalities. It is always in the interest of justice, that a pragmatic approach and not a pedantic one is required while dealing with matrimonial disputes.
5. It would be copious to state that in recent times it is being observed that during hearing of anticipatory/regular bail applications, stringent monetary conditions on husband and his family members are being imposed by either by way of deposit and pay heavy amount to the complainant estranged wife or pay monthly amount as bail conditions (indicative list of few judgments is enclosed as **Annexure-I** for ready reference please). It is relevant to state that practice of giving such conditional bail is quite common in few courts of the State of Jharkhand in comparison with other states for similar nature of cases which is a matter of great concern. The said approach by some courts/judges is erroneous and against the settled principle of law and natural justice. It is further to state that imposition of monetary conditions in anticipatory/regular bail applications leads to further increase in filing of false 498A cases. It is settled principal of law that the accused has a presumption of innocence till proved guilty and every Judge hearing bail application should take it into consideration [**Sanjay Chandra Vs C.B.I. (2012) 1 SCC 40, Nikesh Shah Vs. U.O.I. (2018) 11 SCC 1**]. It has been held by Honourable Apex Court that in bail matter, Court cannot put any condition beyond the capacity of the accused [**M. D. Dhanpal Vs. State 2019 SCC Online SC 767**]. It is well settled that bail cannot be made conditional upon heavy deposits. Very recently Honourable Supreme Court in **Mithun Chatterjee vs. State of Odisha 2021** stated that imposition of onerous condition for grant of bail tantamount to denial of bail. Honourable Supreme Court in **Siddharam Satlingappa Mhetre Vs State AIR 2011 SC 312** has ruled that judges with good track record only to be entrusted

with such work. It is also duty of the Principal District Judge to see that the judge with proper knowledge of bail should be assigned the work of bail matters.

Most humbly and respectfully, we seek relief measures from your esteemed office praying there-in

- I. That courts/judges should be discouraged to impose monetary conditions while granting bail in Section 498A matters.
- II. Judges with only good track record should be entrusted to hear bail matters.
- III. Matrimonial cases arising out of 498A may please be heard with sensitivity and gender-neutral approach.

And for this, we would be highly obliged to Your Honourable.

Warmest regards,

Yours sincerely,

(Members of Save Indian Family (SIF), Jharkhand)

Men's Right Group.

1. A.K. Pandey
2. ~~1201~~
3. S. Kumar
4. ~~D. Kumar~~
5. Ajeet
6. ~~C. J.~~
7. Kislay Keshal
8. Sushil K. Prasad
9. Jaiin Sha
10. Randeher



# SAVE INDIAN FAMILY JHARKHAND

(MEN'S RIGHT ORGANISATION)

(Registered under Societies Registration Act 1860, Registration No. 145/2020-21, Jharkhand)

- To spread legal awareness against: gender biased laws, abuse of Section 498A/Dowry Prohibition Act, abuse of DV Act, suicide by married men due to gender biased laws, abuse of old parents by their daughter-in-laws.
- To provide counselling & support to persons in distress.
- To provide financial, emotional & other support to children affected by matrimonial disputes.

#### WEEKLY MEETING:

Every Sunday, Oxygen Park, Morabadi, Ranchi. 10 AM to 12 Noon

E-mail: [saveindianfamily@gmail.com](mailto:saveindianfamily@gmail.com)  
Website: <https://sifjharkhand.in>

#### PRESIDENT:

**ALOK RANJAN**  
9386661436

#### VICE PRESIDENT:

**RAMESH PATHAK**  
8084380535

#### GENERAL SECRETARY:

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#### TREASURER:

**AKSHAY AGRAWAL**  
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#### JOINT SECRETARY

**NARENDRA PATHAK**  
7903717881

#### EXECUTIVE MEMBERS:

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825224851

**PRAVEEN CHANDRA**  
8709596641

**ANAND MAHTO**  
987337158

**MUNENDRA KUMAR**  
9599055821

Ref.: .....

Date: 19/11/2024

11. Ashish
12. Anshu
13. Sanjeev Kumar
14. Bigan Kant
15. Bilesh Kumar
16. Nazim Pathak
17. Ajay Tiwary
18. Anu
19. Nitish Kr. Pandey
20. Govind Narayan Rana
21. Amit Singh
22. Sudhish Kr.
23. Sami Kumar Agawal
24. Akshay Agawal
25. Rajesh Kumar
26. Chandeshwar Singh
27. Somen Chakraborty
28. Kunal Kunal
29. Hrishikesh Tiwary
30. Gautam Sahu
31. Jyoti Kr Singh
32. Rakesh Pathak
33. Rasendra Kumar
34. P. Kumar
35. Indradeep Singh Vind
37. Anur Pratap Singh
38. Roshan Agarwal
39. Subid Kumar
40. Anil Kumar
41. Dipak Kr. Jaiswal
42. Musli Manohar
43. Adarsh Kumar
44. UMESH KUMAR

Men's Rights Are Human Right

Anneju-I

The list of indicative judgments where-in monetary conditions have been imposed.

Sl. No.	Parties	Case No.	Order Date
1.	Munendra Kumar Versus 1. State of Jharkhand 2. Priyanka Kumari	A.B.A. No. 4276 of 2017	10-10-2017
2.	Niranjana Mandal Versus 1. The State of Jharkhand 2. Anindita Mandal @ Anidita Mandal	A.B.A. No. 1746 of 2018	29.01.2019
3.	Ankit Kumar Sinha @ Ankit Sinha Versus 1. The State of Jharkhand 2. Shilpi Paul	A.B.A. No. 6041 of 2018	07.02.2019
4.	Sourav Gandhi @ Sourav Kumar Gandhi Versus The State of Jharkhand & Anr.	A.B. A. No. 991 of 2020	24.02.2020
5.	1. Laxmi Das 2. Vimla Devi 3. Akash Narayan Gupta 4. Reeta Gupta 5. Santosh Gupta Versus The State of Jharkhand	A.B.A. No. 3070 of 2020	09.09.2020
6.	Shakil Ansari Versus The State of Jharkhand & Anr.	A.B.A. No. 3024 of 2021	08.07.2021
7.	Gauri Nath Mahto Versus 1. The State of Jharkhand 2. Laxmi Kumari	A.B.A. No. 6443 of 2019	25.09.2019
8.	1. Geeta Devi 2. Sapan Kumar Singh Versus 1. The State of Jharkhand 2. Nisha Kumari Singh	A.B.A. No. 2773 of 2019	08.05.2019
9.	Pankaj Kumar Singh Versus 1. The State of Jharkhand	A.B.A. No. 6449 of 2019	17.09.2019

	2. Shilpi Kumari @ Shilipi Kumari		
10.	Prayag Chaudhary Versus The State of Jharkhand & Anr.	A.B. A. No. 6438 of 2019	05.12.2019
11.	Rakesh Kumar Versus 1. The State of Jharkhand 2. Nisha Kumari Singh	A.B.A. No. 3200 of 2019	12.06.2019
12.	Ritesh Kumar Singh Versus The State of Jharkhand & Anr.	A.B. A. No. 6436 of 2019	05.12.2019
13.	Suman Kumar Mandal Versus 1. The State of Jharkhand 2. Sunita Kumari @ Sunita Devi	A.B.A. No. 6459 of 2019	13.12.2019
14.	Vikas Kumar @ Vikash Kumar Versus 1. The State of Jharkhand 2. Kanchan Barnwal	A.B.A. No. 7959 of 2019	06.02.2020