



THE GAUhati HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : AB/103/2024

Chhorten Norbu Ngangmu @ Chorten Norbu
Son of Chong Norbu,
permanent resident of Boha Village,
PO and PS Kalaktang,
West Kameng Districct,
Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner :Mr. P. D. Nair
Mr. Gotu Riba

Advocate for the Respondent : Mr. J. Tsering, P P of AP

BEFORE
HONBLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 18-07-2024

Heard Mr. P. D. Nair, learned counsel for the accused applicant. I have also heard Mr. J. Tsering, learned Public Prosecutor for the State of Arunachal Pradesh and Mr. T. T. Tara, learned counsel appearing for the informant/victim.

2. By filing this application under Section 438 of Cr.P.C, the accused applicant

Shri Chhorten Norbu Ngangmu @ Chorten Norbu is seeking grant of pre-arrest bail, apprehending his arrest in connection with Rupa P.S. Case No. 12/2024 under Sections 376(1)/354-A/506 of the Indian Penal Code.

3. The case of the petitioner is that one Ms. Dewa Choden, lodged a written FIR before the Officer-in-Charge, Police Station, Rupa, West Kameng District, Arunachal Pradesh, *inter alia*, alleging therein that the accused applicant has committed forceful sexual intercourse by giving false assurance to marry her in future. However, later on, when she was detected pregnant for him, the accused applicant forced her and threaten to terminate the pregnancy and also refused to marry her. Basing on the above written FIR, the police has registered the above Rupa Police Case No. 12/2024 under Sections 376(1)/354-A/506 of the Indian Penal Code against the accused applicant.

4. Mr. Nair, learned counsel for the accused applicant submits that the allegation made in the FIR is false in as much as the accused applicant had never made a false promise of marriage to the informant, rather their relationship was absolutely consensual in nature and thus, he did not commit the offence as alleged in the said FIR. The learned counsel for the petitioner further submits that the accused applicant also fairly concedes that the unborn baby in the womb of the informant is a result of their love and affection. And further, the accused applicant is still intending to discharge his obligations as a prospective father and husband of the informant in a due course of time. It is further submitted that the informant has lodged the above written FIR before the Officer-in-Charge, Police Station, Rupa due to some misunderstanding between them.

5. In vies of the contention made in paragraph 6 of the bail petition and submission made by learned counsel for the petitioner; the learned PP assisted

by the learned counsel appearing on behalf of the alleged informant has raised no objection to the grant of anticipatory bail to the applicant.

6. Case Diary as called for has been received and produced before the Court and I have perused the same.

7. The record reveals that the accused applicant and the informant were on a consensual sexual intercourse as a result of which the informant got conceived. As per the record, the informant has reiterated and gave a same statement what she has stated in her FIR before the police under Section 161 of the CrPC as well as a statement under Section 164(5) CrPC. From the above statement of the informant, it appears that there was a consensual sexual relationship between the informant and the applicant with a view to get married in future.

8. The record further reveals that while going for the medical checkup after the informant was found pregnant, the informant had her name recorded in care of the accused, which indicates that the accused applicant and the informant are still together and the accused applicant has not impregnated her with false promise of marry but has taken the responsibility as a prospective husband of the informant and father of the unborn child.

9. In view of the above, I am of the opinion that the accused applicant has made out a case entitling him the privilege of pre-arrest bail. Accordingly, it is provided that in the event of the accused applicant, namely, **Shri Chhorten Norbu Ngangmu @ Chorten Norbu**, is being arrested in connection with the aforesaid Rupa P.S. Case No. 12/2024 under Sections 376(1)/354-A/506 of the Indian Penal Code; he shall be released on pre-arrest bail on execution of bail bond of Rs. 10,000/ (Rupees Ten Thousand) with one surety of like amount to the satisfaction of the arresting authority on the following conditions:

- (i) That the accused applicant shall cooperate and appear before the investigating officer or before the Court as and when called for;
- (ii) That the accused applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

10. With the above, this bail application stands disposed of.

11. Return the Case Diary.

JUDGE

Comparing Assistant