

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 917 of 2017

Neeraj Singh Chauhan S/o. Kamta Singh Chauhan Aged About 32 Years Present Address 115 Vahni Central Reserve Police Force, Jakura Shrinagar, Jammu Kashmir Permanent Address Village Kitikhera Phatehpur U. P.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Kota, District Bilaspur Chhattisgarh

----Non-Applicant

For Applicant	:	Mr. Akath Kumar Yadav, Advocate.
For Non-applicant/State	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/12/2017

1. The present is an application under Section 438 of Cr.P.C. seeking for grant of anticipatory bail to the Applicant who is apprehending his arrest in connection with Crime No. 272/2017, registered at Police Station- Kota, District- Bilaspur, Chhattisgarh, for the offence punishable under Sections 376 & 506 of IPC.
2. The case against the present applicant as per the prosecution case is that the present applicant is said to have on the pretext of marriage ravished the prosecutrix for a considerable period of time and then finally refused to marry leading to the filing of the F.I.R.
3. The counsel for the applicant submits that it is a case where the present applicant and the prosecutrix both were known to each other since long and that they had a consensual relationship with each other and that the present applicant is already a married person, which was known to the prosecutrix all along yet she continued with the relationship.

4. The State counsel however opposing the bail application submits that it is a case, where the present applicant is said to have given a false assurance of marriage and said to have sexually exploited her for about 9 months time and thereafter he is said to have ditched the prosecutrix and therefore opposes the bail application.
5. Considering the statement of the prosecutrix and also taking note of the fact that she is a teacher and knowing fully well the consequences of the relationship that the two had, she maintained the relationship with the present applicant and also considering the fact that the applicant herein is an Inspector in the CRPF, this Court is of the opinion that prima facie a strong case is made out for grant of anticipatory bail.
6. Accordingly, the present application under Section 438 of CrPC is allowed. It is ordered that in the event of arrest of the Applicant in connection with Crime No. 272/2017, registered at Police Station-Kota, District- Bilaspur, Chhattisgarh, for the offence punishable under Sections 376 & 506 of IPC, if he furnishes a personal bond for a sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then he shall be released on bail on the following further conditions :
 - (i) that the applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
 - (ii) that the 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/her from disclosing such facts to the Court or to any police officer;

- (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(P. Sam Koshy)
Judge

Ved