

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 943 of 2017

- Rajesh Kumar Kurrey S/o Vashudev Kurrey, Aged About 26 Years, Occupation Service, Police Constable Police Station Navagarh Permanent R/o Village Udka Post Office And Police Chowki Fastarpur PS Mungeli District Mungeli Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station City Kotwali Bemetara, District Bemetara Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicant – Shri Dheerendra Pandey, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-02-2018

1. Apprehending arrest in connection with Crime No.551/2017, registered at Police Station – City Kotwali Bemetara, District Bemetara Chhattisgarh for offence punishable under Section 376, 506 Part II, 323 of the IPC, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by the learned counsel for the applicant that the prosecutrix is adult of age 25 years. The applicant and the prosecutrix had love affair since three years prior to the lodging of the FIR. The prosecutrix is habitual in lodging FIR against various persons. The prosecutrix earlier complained against this applicant in May, 2017 and the same was withdrawn. Subsequent to that, the applicant and the prosecutrix both filed an application for registration of marriage before the concerned authority, but the prosecutrix did not appear on the date fixed on 31-08-2017 and thereafter another date fixed on 08-09-2017 and subsequent to that, this FIR has been lodged against this applicant. The applicant is working as police constable and his service will be affected if he is arrested in the crime concerned. Hence, it is prayed that the

applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application and the submission made. It is submitted that the prosecutrix has clearly made statement against this applicant about commission of the offence registered against him, hence, he is not entitled for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary.

5. It is alleged against this applicant, that he on the pretext of marrying the prosecutrix obtained her submission for sexual intercourse and after maintaining this relation for some time, he subsequently has refused to marry her, hence, this case.

6. Considered on the submissions made and contents of the case diary.

7. Perused the statement of the prosecutrix in the case diary. The argument advanced on behalf of the applicant finds some support regarding the previous relationship of the applicant with the prosecutrix and also about the process initiated for registered marriage. Taking into consideration all these facts, I am of this view that the applicant should be benefited with grant of anticipatory bail in the present matter.

8. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge