

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 506 of 2020**

- Navin Singh S/o Shri Sunil Kumar Singh, Aged About 29 Years R/o Mohalla Sudna (Palamu), Tehsil Daltanganj, Jharkhand, Presently Residing At Mayapur, Tehsil And Police Station Ambikapur, District Sarguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station AJAK, Ambikapur, District Sarguja Chhattisgarh

---- Non-Applicant

For Applicant : Shri Adhiraj Surana, Advocate.
For Non-Applicant : Ms. Sunita Jain, Govt. Advocate.

Proceeding through Video Conferencing**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board****01/07/2020 :**

1. The applicant has preferred this application for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.01/2020, registered at Police Station AJAK, Ambikapur, District Sarguja for offences punishable under Section 376 (2)(N) of the IPC and Section 3 (2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per the written complaint lodged by the prosecutrix, aged about 26 years, it appears, the applicant befriended her and they started conversation over mobile phone which later on developed into an affair. In April, 2019, the applicant called her for lunch and thereafter expressed his love and committed forceful sexual intercourse. Their continuous physical relation continued but he avoided to marry her and later on informed that he is marrying some

other girl, with specific statement that he cannot marry her because she belongs to tribal community. In her 164 CrPC statement, she further stated that in December, 2019, the applicant prepared a Marriage Mandap and performed Saptapadi stating that now they are married and continued relations like husband and wife. The applicant promised that he would convince his parents and perform marriage but stopped talking to her in February, 2020. On 6.2.2020, he refused to marry her.

3. It appears, the prosecutrix is a grown up girl, aged about 26 years, yet continued relationship from the year 2017. It is an act of consensual relation because they had an affair which converted into physical relations.
4. Although there is bar for exercising power under Section 438 CrPC in relation to offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, yet the facts available in the case diary would reveal that the applicant wanted to marry the girl, but his parents were not agreed. The offence was not committed solely for the reason that the victim belongs to ST category. Therefore, the bar would not be attracted in the given facts.
5. Learned State Counsel would oppose the bail application.
6. Considering the nature of allegations and their relation for about 3 years, particularly the age of the girl, this Court is inclined to extend the benefit of anticipatory bail to the applicant.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) he shall not influence the witnesses during trial.
 - (ii) he shall make himself available for interrogation by a police officer as and when required;

(iii) he 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.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve