

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1367 of 2020**

1. Suraj Kuamr Uraon, S/o Ramdhari Uraon, aged about 26 years, Constable in CRPF Camp, Police Station Maraiguda, District Sukma, (CG) Permanent resident of village Paterapali Khurrd, Police Station and Th. Sakti, District Janjgir Champa (CG)

---- Applicant

Versus

1. State of Chhattisgarh, through Police Station Chakradhar Nagar, District Raigarh (CG)

---- Non-Applicant

For Applicant : Shri Abhishek Sinha, Advocate.
 For Non-Applicant : Shri Gagan Tiwari, Deputy GA.
 For Complainant : Shri Ravindra Sharma, Advocate.

Proceeding Through Video Conferencing**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board****29/10/2020 :**

1. The applicant has preferred this application for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.445/2019 registered in Police Station Chakradhar Nagar, District Raigarh for offence under Section 376 of the IPC.
2. This is the second bail application on behalf of the applicant. The earlier bail application was dismissed as withdrawn, as the applicant directly approached the High Court without availing the remedy available to him before the Sessions Court.
3. The applicant committed forcible sexual intercourse with the prosecutrix aged about 22 years on promise to marry.
4. Material available in the case diary would indicate that their relationship continued from 2015 to 2019, however, thereafter the

applicant refused to marry the prosecutrix which gave rise to the present FIR.

5. Annexure-A/3 is an affidavit filed by the prosecutrix stating that she had an affair with the applicant and they were involved in consensual sexual relations. However, later on their marriage did not fructify. She also states that the applicant is her maternal uncle (Mama). In this bail application also, the prosecutrix has appeared through her counsel Shri Ravindra Sharma and filed no objection, duly supporting and reiterating the contents of her affidavit (Annexure-A/3), mentioning that the dispute between them has now been resolved.
6. Considering the entire fact situation of the case and for the fact that the prosecutrix appears to have continued consensual sexual relations with the applicant even after attaining the age of majority i.e. after turning more than 18 years of age and now she has moved no objection if the applicant is released on anticipatory bail with further averments that the relation was consensual, as also for the reason that the applicant is presently serving as CRPF Constable and his arrest may run adverse to his service career, I am inclined to release the applicant on anticipatory bail.
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)