

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1254 of 2015

Somaru Gawde son of Kariya Gawde, aged about 29 years, resident of village Tirtum, Post Kodenar, Tahsil Bastanar, Police Station Kodenar, District Bastar (C.G) **--- Applicant**

Versus

State of Chhattisgarh through the Station House Officer, Police Kodenar, District Bastar (C.G). **--- Respondent**

For the applicants : Mr. Sanjeev Verma, Advocate.

For the Respondent : Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.12.2015

1. Apprehending arrest in connection with Crime No.83/2015., registered at P.S., Kodenar, Distt. Bastar (C.G) for the offences punishable u/ss 363, 366, 306 IPC, the applicant has filed this application u/s 438 Cr.P.C.
2. As per the prosecution case, the victim Reena Kashyap who was a school going girl committed suicide. It is alleged that the applicant was in love with the girl and on 02.10.2015 he took her on his motorcycle with an intention to marry her to his home and she was kept at his home where the mother of accused objected and chided him. Subsequently, on 03.10.2015 the applicant took her on his motorcycle and left the girl near Kodainar Culvert in the morning and fled away. The girl because of hesitation went to her friend's place namely Pramila Poyem and disclosed this fact to her. Subsequently on 05.10.2015 she came to her mother's home and stated that her name has been tarnished and she is unable to show her face to the people and consequently committed suicide.
3. Learned counsel for the applicant submits that the applicant was

married and he has a four years child and the marriage was objected by the mother and therefore the entire allegations, if any, are attributed to the mother. Therefore the applicant has not committed any offence.

4. Per contra learned state counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and also the statement of Pramila Poyem.
6. Considering the statement of Pramila Poyam and the fact that the applicant was already married and looking to the allegations against the applicant, it is not a case where the benefit of section 438 Cr.P.C. is to be extended. Accordingly the application is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**