

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7583 of 2016

- Arjun Kerketta S/o Boharan Kerketta Aged About 23 Years
Occupation Student, R/o Village Rata, Police Station Lundra, District
Surguja Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through The Station House Officer, Police
Station Lundra, District Surguja Chhattisgarh

---- Respondent

For the applicant	: Mr. Jitendra Shrivastava, Advocate
For the Respondent	: Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30.11.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 106/2016 registered at P.S. Lundra, Distt. Surguja (C.G) for the offence punishable under Section 363 & 366 of IPC.
2. As per the prosecution case, on 30.09.2016 a report was made by one Bagar Sai father of the victim girl that the applicant has enticed and took away the girl on the pretext of marriage. Subsequently the prosecutrix was recovered from the house of her maternal uncle and on investigation the offence was found to be committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the prosecutrix herself went to the present applicant and stayed there as she had love relations with the applicant and she came back

voluntarily and no allegation of sexual overt act has been attributed to the applicant, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of victim. Considering such statement of the victim wherein no sexual overt act has been alleged against the applicant as also the facts and circumstances of the case, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**