

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 750 of 2017

- Umend Netam @ Lucky S/o Gopichand Netam, Aged About 23 Years Caste Ganda, R/o Gathiyapara Chhura, Jatmai Road, Police Station Chhura, District Gariyaband, Chhattisgarh.

--- Applicant

Versus

- State of Chhattisgarh through Station House Officer, Police Station Mahasamund, District Mahasamund, Chhattisgarh. ---

Respondent

For the applicant	:	Mr. Vikas Pradhan, Advocate
For the Respondent	:	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.02.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 591/2016 registered at Police Station Mahasamund, Distt. Mahasamund (C.G) for the offence punishable under Sections 366 & 323 of IPC.
2. As per the prosecution case, a report was made by the victim on 08.11.2016 that on 03.11.2016 when the victim went to Mahasamund for collecting her result of DCA at that time the applicant came in motorcycle and forcibly took her to Gurgaon Nayapara and was pressurizing for marriage. Further with difficulty when she informed to the same to her family members, they rescued her, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the

applicant has been falsely implicated; the victim and the applicant were in love relations with each other and her statement would show that it completely improbable that the victim who was aged about 23 years of years of age was forcibly taken away as she herself accompanied the applicant on his motorcycle. He further submits that the charge sheet has been filed and the applicant is in jail since 09.11.2016, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of victim u/ss 161 & 164 Cr.P.C. Considering such statements of victim as also the fact that the charge sheet has been filed, without any further observation on merits of the case, I am inclined to release the applicant on bail.
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 till disposal of the trial.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**