

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2653 of 2021

- Rajesh Kerketta @ Bulet S/o Mikhail Kerketta Aged About 24 Years (Wrongly Mentioned Mikhal In The Impugned Rejection Order Of The Learned Court Below), R/o Kumansiya (Karmipara) P.S. Sitapur, District Sarguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Darima, District Sarguja Chhattisgarh

---- Non-applicant

For Applicant : Ms. Sangeeta Soni, Advocate.

For Non-applicant/State : Mr. B.P. Banjare, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-04-2021

1. Heard
2. Admit.
3. Learned State counsel submits that case diary is available.
4. Both the counsel for the parties have agreed to make the submission.
5. Also heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 12.02.2020, in connection with Crime No.05/2020, registered at Police Station-- Darima, District- Sarguja, C.G. for offence punishable under Section 363, 366 and 376 (2)(a) of I.P.C. and Section 05(a) and 06 of POCSO Act.
6. It is submitted by the learned counsel for the applicant, that the applicant is innocent and has been falsely implicated in this case. The

prosecutrix has been examined in trial and she has not made any allegation against this applicant and she has been declared hostile by the prosecutor. Hence, there is no case against this applicant. Therefore, it is prayed that he may be granted bail.

7. Learned counsel for the State/non-applicant opposes the application and submits that there are other witnesses to be examined to establish the prosecution case, therefore, it is prayed that this application may be rejected.
8. Heard learned counsel for the parties and perused the case diary.
9. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 18 years and kept her in his custody and exploited her sexually, knowing well that she was not capable of giving consent. Hence, this case.
10. Considered on the submissions and also perused the certified copy of deposition of the prosecutrix, it is found that she has not supported the prosecution case in any manner. Therefore, she was declared hostile by the prosecutor. Hence, looking to this development in the case against this applicant, I feel inclined to allow this application.
11. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with two local surety each in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
12. Certified copy as per rules.