

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4808 of 2021

- Parmeshwar Kerketta S/o Josef Kerketta, Aged About 22 Years, R/o Ghaghra Dolangipara, P.S. Pasta, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station - Pasta, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

----Non-applicant

For Applicant – Shri C.Jayant K. Rao, Advocate.

For Non-applicant/State – Shri Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 02-02-2021 in connection with Crime No.16/2021 registered at P.S. - Pasta, District Balrampur-Ramanujganj, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 02-02-2021. The statement of the prosecutrix under Section 161 and 164 of the Cr.P.C. clearly reveal about her affair with the applicant and also her willingness and consent in the relationship with the applicant, therefore, there is no case present against the applicant. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor, therefore, her willingness and consent is immaterial. Hence, the application may be rejected.

4. The prosecutrix is virtually present through Help Desk of DLSA

Balrampur. She has no objection in grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, the applicant and the prosecutrix both were having affair. On the date of incident this applicant abducted the minor prosecutrix, kept her in his custody and also had physical relation with her knowing well that she was minor, therefore not capable of giving consent.

7. Considered on the submissions. Looking to the diary statement of the prosecutrix and also her statement of no objection, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant 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 one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge