

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7020 of 2021

- Shivnath Minz S/o Shri Dhodho Minz Aged About 33 Years R/o Village - Chanchi, O.P. Bariyon, P.S. - Rajpur, District - Balrampur-Ramanujganj, Chhattisgarh.

----- Applicant

Versus

- State Of Chhattisgarh Through P.S.- Shankargarh, District - Balrampur-Ramanujganj, Chhattisgarh.

----- Respondent

MCRC No. 9038 of 2021

- Rajesh Kerketta S/o Hindu Kerketta Aged About 35 Years R/o Village Jamhari, Police Station Shankargarh, District Balrampur Ramanujganj Chhattisgarh.

----- Applicant

Versus

- State Of Chhattisgarh Through Police Station Shankargarh, District Balrampur Ramanujganj Chhattisgarh.

----- Respondent

For Applicants :- Mr. Bhupendra Singh, Advocate
(MCRC No.7020/2021), Mr. Pushkar Sinha, Advocate
(MCRC No.9038/2021)

For State/Respondents :- Mr. Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

20/12/2021

1. Since both bail applications are arising out of the same Crime No. 71/2020, registered at Police Station – Shankargarh, District – Balrampur-Ramanujganj (CG), they are heard together and are being disposed of by this common order.
2. Case of the prosecution, in brief, is that the applicant-Rjesh Kerketta (MCRC No.9038/2021) has abducted minor prosecutrix and committed sexual intercourse in the house owned by applicant-Shivnath Minz (MCRC No.7020/2021) thereby committed the aforesaid offence.
3. Mr. Bhupendra Singh, learned counsel for applicant-Shivnath Minz would submit that the applicant-Shivnath Minz has not

committed any offence and he has falsely been implicated in crime in question and no charge of rape against him except providing accommodation to accused-Rajesh Kerketta and the prosecutrix for 4 to 5 months. He would further submit that applicant-Shivnath Minz in jail since 24.07.2021, as such, the applicant may be released on regular bail.

4. Mr. Pushkar Sinha, learned counsel for applicant-Rajesh Kerketta, would submit that the applicant-Rajesh Kerketta has not committed any offence and he has falsely been implicated in crime in question, prosecutrix is major and more than 18 years and has stated that she has no objection in granting bail to applicant-Rajesh Kerketta. He would further submit that applicant-Rajesh Kerketta in jail since 30.07.2020.

5. On the other hand, learned counsel for the State would oppose the bail application. He would submit that on the date of incident prosecutrix was minor and applicant-Rajesh Kerketta abducted her and forcefully made

sexual intercourse with the prosecutrix. He would further submit that objection made by the prosecutrix has no value and, therefore, bail applications deserve to be dismissed.

6. I have heard learned counsel appearing for the parties and prosecutrix also and perused the case diary.

7. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence only allegation against applicant-Shivnath Minz is that he has provided accommodation to accused-Rajesh Kerketta and the prosecutrix and applicant-Shivnath Minz is in jail since 24.07.2021, therefore, this Court is of the opinion that present is a fit case, in which, the applicant-Shivnath Minz (MCRC No.720/2021) should be enlarged on regular bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

8. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence against applicant-Rajesh Kerketta, I do not find it fit case for grant of bail to applicant-Rajesh Kerketta (MCRC No.938/2021).

9. Accordingly, the bail application (MCRC No.7020/2021) filed by Shivnath Minz under Section 439 of the Cr.P.C. is allowed and bail application (MCRC No.9038/2021) filed by Rajesh Kerketta under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit