ADITI DIWAN KAIWART

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Date: 2025.05.30 11:51:27 +0530

2025:CGHC:22464

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 4160 of 2025

1 - Suresh Kerketta S/o Late Ramprasad Kerketta Aged About 35 Years R/o Village Sambalpur (Uraonpara) Chowki Latori District Surajpur Chhattisgarh

--- **Applicant(s)**

versus

1 - State Of Chhattisgarh Through Station House Officer, P.S. Jainagar, Outpost Latori District Surajpur Chhattisgarh

--- **Non-applicant (s)**

(Cause title taken from the Case Information System)

For Applicant	:	Mr. Nishikant Sinha, Advocate
For Non-applicant/State	:	Mr. Hariom Rai, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

29.05.2025

1. This is the **First bail application** filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 08 of 2025 registered at Police Station : Jainagar, District –

Surajpur (C.G.) for the offence punishable under Sections 64(2(k) & 331(3) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution case, in brief, is that on 02.01.2025 at about 05:00 PM when the prosecutrix was alone at house, the applicant who is her neighbour came asking for food and then grabbed her and took her to cow shed and committed forced sexual intercourse with her and when she shouted her daughter came and saw the incident and called her father/victim's husband from outside, on which the applicant ran away from the spot.

3. It has been argued by learned counsel for the applicant that the applicant has been falsely implicated in the present case. He would further submit that though the victim is a married lady aged about 45 years and though she has made allegation of rape against the applicant but the same does not collaborate with the medical report as the MLC report of the victim has been found to be negative and the FSL report has not been submitted till date. It is further argued by learned counsel for the applicant that the alleged act between the victim and the applicant was consensual in nature and it is evident from the statement of the victim recorded under Section 161 of the CrPC/ Section 180 of the BNSS that when the victim was seen with the applicant in a compromised position by her daughter, the FIR was lodged in

an afterthought circumstances implicating the applicant. It is further submitted that the applicant is 35 years of age and he has no criminal history. That the applicant is in jail since 04.01.2025 and the conclusion of trial will take some time, therefore, he prays that the applicant be enlarged on bail.

4. Learned State counsel opposes the bail application and submits that the charge-sheet has been filed in this matter and the applicant does not deserve to be released on bail at this juncture.

5. I have heard learned counsel for the parties and perused the case diary.

6. Considering the facts and circumstances of the case, nature and gravity of offence and also considering the fact that the allegation of rape against the applicant does not corroborate with the medical report and the MLC report of the victim has been found to be negative. Further, the statement of the prosecutrix under Section 180 & 183 of the BNSS also goes to show that she was a consenting party and the applicant is in jail since 04.01.2025 and trial is likely to take sometime for its conclusion, therefore, I am of the opinion that the applicant is entitled to be released on bail in this case.

7. Let applicant, **Suresh Kerketta** involved in Crime No. 08 of 2025 registered at Police Station : Jainagar, District – Surajpur

(C.G.) for the offence punishable under Sections 64(2(k) & 331(3) of the Bharatiya Nyaya Sanhita, 2023, be released on bail on him furnishing **a personal bond with two sureties,** in the like amount to the satisfaction of the Court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of the Bhartiya Nyaya Samhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 84 of BNSS is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bhartiya Nyaya Samhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court, absence of the applicant is deliberate

or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. Office is directed to send a certified copy of this order to the concerned trial Court forthwith for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice

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