

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 725 of 2015

Budhram Dewangan S/o Sudhram Dewangan Aged About 45 Years R/o Village
Mulmula P.S. Kondagaon Revenue And Civil District Kondagaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: The Police Station City Kotwali, District
Kondagaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri Siddharth Bajpai, Advocate
For Respondent/State	:	Ms.Sunita Jain, Panel Lawyer

Order On Board

14/08/2015

Heard.

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.127/2015, registered in Police Station- City Kotwali District- Kondagaon, for alleged commission of offence under Sections 456 & 354 of the IPC.
2. Case of the prosecution, in brief, is that the applicant entered the house of the prosecutrix and outraged her modesty.
3. Learned counsel for the applicant submits that the report on which offence has been registered against the applicant is counter blast to a report lodged by the applicant on 9.5.2015 against Ravindra, Rajkumar and Shankar, wherein the applicant alleged that they outraged modesty of applicant's wife Kalawati. The applicant filed report on 9.5.2015 and thereafter, on the next day, report has been lodged against the applicant in respect of the incident alleged to have taken place in the intervening night of 7th -8th May, 2015.
4. On the other hand, learned counsel for the State submits that though report by the applicant was given at earlier point of time, later on, the offence has been registered against the applicant because it has been alleged that thereafter, the applicant went to the house of the complainant and there, he misbehaved and

outraged modesty of Ahilya Dewangan, mother of Ravindra & Rajkumar.

5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that the report lodged by the applicant is earlier in point of time and therein offence against Ravindra and Rajkumar has been registered on the allegation of commission of offence under Section 354 IPC for outraging modesty of wife of the present applicant, I am inclined to allow the application.
6. The application is accordingly allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:
 - (i) the applicant shall make himself available for interrogation by the police officer as and when required;
 - (ii) the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge