

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 847 of 2015

Raju Sonkar S/o Late Tijau Ram Sonkar Aged About 36 Years R/o Ward No. 2 Rajeev Nagar, Tahsil & District Durg, Civil & Revenue District Durg Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : District Magistrate, Civil & Revenue District - Durg Chhattisgarh

---- Respondent

Shri Avinash Chand Sahu, counsel for the applicant/s.
Ms. Shubha Shrivastava, Panel Lawyer for the State.

Order On Board

07/09/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.223/15 registered at police station – Durg, Civil and Revenue District – Durg (CG) for alleged commission of offence under Section 294, 506B, 323, 354 of IPC and Section 3 (i) (xi) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (In short “the Act of 1989”).

2. Case of the prosecution is that the applicant entered the house, abused the complainant, used filthy language, threatened her and at the same time, caused destruction to property and outraged her modesty.

3. In so far as allegation of commission of offence under Section 354 IPC is concerned, there is no whisper in the FIR which has been lodged on the date of incident. It is submitted that the allegations related to commission of offence under Section 294, 506B and 323 IPC. It is only later on that the prosecutrix started alleging certain overt act of tearing of her blouse and pressing her breasts. Therefore, it is an apparent case of false implication in so far as offence under Section 354 IPC is concerned.

4. On the other hand, learned State counsel submits that even though in the FIR,

it was not stated, but in the diary statement and statement under Section 164 CrPC before the Magistrate, it has been clearly stated that the applicant torn her blouse and in that process, also pressed her breasts which prima facie amounts to offence under Section 354 of IPC.

5. Taking into consideration that in the FIR, there is no allegation of commission of offence under Section 354 of IPC and the allegations related to commission of offence under Section 294, 506B, 323, 354 of IPC which are bailable in nature and it is only at a later point of time, offence under Section 354 IPC was alleged, false implication of the applicant cannot be ruled out.

6. Accordingly, the application is 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.25,000/- 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**