

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.503 of 2015**

1. Ravindra Dewangan S/o Baldev, aged about 27 years,
2. Rajkumar S/o Baldev, aged about 25 years,
3. Shankar lal S/o Mangal Ram, aged about 30 years,

All are R/o Village Mulmula, P.S. Kondagaon, Revenue and Civil District
Kondagaon (CG)

---- Applicants

Versus

State Of Chhattisgarh through: the Police Station City Kotwali, District
Kondagaon (CG)

---- Respondent

For Applicants	:	Shri P. K. Tulsyan, Advocate
For Respondent/State	:	Smt. Shubha Shrivastava, Panel Lawyer

Order On Board**09/07/2015**

The applicants are apprehending their arrest in connection with Crime number i.e.124/2015, registered at Police Station City Kotwali, District Kondagaon for the offence punishable under Section 294, 323, 506, 324, 354 and 34 of the Indian Penal Code.

2. Case of the prosecution is that the applicants entered the house of the complainant-Budhram Dewangan and assaulted him and they also outraged the modesty of his wife-Kalawati.

3. Learned counsel for the applicant submits that initially, offence under Section 323, 294 of IPC alone was registered, but later on, on account of report lodged by mother of applicants No.1 & 2, new colour has been given to the incident by stating that modesty of Kalawati was also outraged. He submits that it is a case of false implication on afterthought ground as a counterblast to somehow make out a case of commission of non-bailable offence.

4. On the other hand, learned State counsel submits that even though, initially in the FIR, the details of the manner, in which, Kalawati was treated, was not given but in the case diary statement of Budhram Dewangan, it has been clearly stated that in

the subsequent medical report, teeth bite on breasts was found.

5. Prima facie, in the FIR, which was lodged in the Police Station, there is no specific allegation of outraging modesty of Kalawati and in her medical report, no injury was shown and only subsequently, offence under Section 354 has been added with 323 of IPC and new medical report has been prepared by the same doctor, who initially reported no injury.

6. Therefore, in these circumstances, false implication cannot be ruled out in so far as allegation of commission of offence under Section 354 of IPC is concerned. Hence, I am inclined to grant bail to the applicants.

6. Accordingly, the application (M.Cr.C.(A)No.503 of 2015) is allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail on each of them furnishing a personal bond for a sum of Rs.20,000/ with one local surety in the like sum to the satisfaction of the arresting officer, on the following conditions that:

- (I) they shall make themselves available for interrogation by a police officer as and when required;
- (ii) they 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, *and*
- (iii) they shall cooperate with the investigation as and when they are called.

Sd/-

Manindra Mohan Shrivastava
Judge