

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 287 of 2018

1. Gopal Kumar Somkunwar S/o Late Sitaram Sonkar Aged About 29 Years R/o Uma News Agency, Dipka, Police Station Dipka District Korba Chhattisgarh, District : Korba, Chhattisgarh
2. Uday Kumar Choudhary S/o Shri Rampati Aged About 34 Years Caste Kewat R/o Ward No. 11, Shantinagar, Dipka, Police Station Dipka District Korba Chhattisgarh, District : Korba, Chhattisgarh --- **Applicants**

Versus

State Of Chhattisgarh Through The Police Of Police Station Dipka District Korba Chhattisgarh, District : Korba, Chhattisgarh -- **Respondent**

For Applicants	:	Mr. Govind Dewangan, Advocate.
For Respondent/State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/05/2018

Heard.

1. The applicants are apprehending their arrest in connection with Crime No.24/2018 registered at Police Station–Dipka, District Korba (C.G.) for alleged commission of offence under Section 354 and 506 read with Section 34 of IPC.
2. Case of the prosecution is that the applicants outraged the modesty of the prosecutrix when she had come for purchase in the shop of applicant No.1.
3. Learned counsel for the applicants would submit that present is case of a false implication under a well hatched conspiracy of one Sanjay Sharma who had assaulted the applicant No.1 on 28.01.2018 and the applicant No.1 was also abused and threatened. The applicant No.1 then lodged an FIR in the police station on 04.02.2018 against Sanjay Sharma and two others. The applicant No.1 is a Press Reporter also associated as correspondent to Nai Dunia Newspaper and has been publishing various news with regard to highhandedness of various public authorities in the matter of rights of land oustees, ODF Scam, road construction, removal of liquor shop, allotment of shops in the complex and raising electricity bill without metre reading. According to applicant No.1, Sanjay Sharma was sent by some people of

influence to threaten him. The applicant No.1 lodged the report in the Police Station on 04.02.2018, in which, he also named applicant No.2 Uday Kumar Choudhary as his witness having seen the incident of *marpeet* against him. On the very next day, i.e. 05.02.2018 at the instance of Sanjay Sharma and two others, a conspiracy was hatched under which a lady was sent to the shop of the applicants and soon thereafter, a report was lodged in the Police Station alleging that the applicants outraged her modesty. It is submitted that the applicants are thus being falsely implicated as a counter blast to applicant's report on 04.02.2018. Learned counsel for the applicants would further submit that the incident is alleged to have happened at 4:30 in broad daylight in a busy market and that too in a shop which itself shows improbability of the incident and false implication.

4. On the other hand, learned counsel for the State submits that at present the investigation is going on. He would submit that *prima facie* case is made out in view of the statement made by the complainant that when she reached the shop of the applicant No.1, both the applicants outraged her modesty. He submits that when she cried for help certain persons namely Subodh and Dhananjay Paswan came there to rescue her.

5. Learned counsel for the applicants has placed before this Court various documents which would show that the applicant is a Press Reporter and had been publishing various news which could create annoyance against him. The applicants have placed on record various newspaper reports which show that as a journalist the applicant had been publishing news concerning issue of rights of land oustees, ODF Scam, road construction, removal of liquor shop, allotment of accommodation in the complex etc. He appears to be an associate journalist of a newspaper also. This Court has also seen the copy of FIR on 04.02.2018 lodged by the applicant No.1 against one Sanjay Sharma and two others in which he has cited applicant No.2 as his witness. Learned counsel for the applicants has also stated during the course of argument that two other persons who had come along with Sanjay Sharma are none other than so called prosecution witnesses in the present case who claim to have reached the spot and rescued the prosecutrix.

6. Applicant No.1 is a journalist and applicant No.2 is an office bearer of a local union which appears to be involved in various activities for the welfare of the labourers.

7. Moreover, this Court cannot ignore that the incident is alleged to have happened at broad daylight in the shop located in the busy market on the main

road.

8. Therefore, taking into consideration the aforesaid aspect of the matter, false implication of the applicants under a conspiracy cannot be ruled out. In these circumstances, this Court finds present to be a fit case for grant of anticipatory bail to the applicants. The application 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 in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicants shall abide by all the following terms and conditions -

- (i) that the applicants shall make themselves available for interrogation by a Police Officer as and when required;
- (ii) that 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 them from disclosing such facts to the Court or to any Police Officer.
- (iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. In the overall circumstances of the case, this Court deems it to appropriate direct to Superintendent of Police of Korba to interrogation of the present case to officer not below the rank of Deputy Superintendent of Police.

Sd/-

(Manindra Mohan Shrivastava)

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