

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1046 of 2020**

- Sunil Sonwani S/o Shri Dharmendra, Aged About 30 Years R/o Village Siltara, Police Station Lormi, Tahsil - Lormi, And District - Mungeli Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Acting Through Officer In-Charge Police Station Lormi, District - Mungeli Chhattisgarh

---- Respondent

For Applicant	:	Shri K.A.Ansari, senior counsel along with Shri Aman Ansari, Advocate
For State	:	Shri Lalit Jangde, Dy.G.A.
For Objector	:	Shri P.M.Shriwas, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****01/12/2020**

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.398/2020 registered at Police Station – Lormi, District – Mungeli CG) for alleged commission of offences under Section 343, 354 (a), 365, 506 of IPC.
2. Prosecution case is that in the night of Raakhi festival, the applicant approached the prosecutrix stating that her husband had met with an accident and on this fake information, he took the prosecutrix away with him and thereafter, she was taken to Mungeli and therefore, an attempt was made to outrage her modesty and she was kept in wrongful confinement for 4-5 days. Thereafter, she could manage to escape and went to her parental house and from there, she came back to her matrimonial house and then informed her husband regarding the whole incident. Finally, a report was lodged in the police station on 14/07/2020 by the prosecutrix against the applicant that her modesty was outraged and she was kept in wrongful confinement also.
3. Learned senior counsel for the applicant would submit that the entire case of the

prosecution and story built up by the prosecutrix was palpably false and fabricated. It is submitted that the incident happened on 15/08/2019, the husband of the prosecutrix had lodged missing person report on 16/08/2019 that his wife had gone missing and thereafter, she was recovered and in the police station on 20/08/2019, she stated that she did not want to reside with her husband and wherever she is residing, she is residing of her own wishes and then the case of missing person was closed. After about one year, now a report has been lodged against the applicant on false implication because the husband of the prosecutrix is not happy with the relation, if any, the prosecutrix had with the applicant.

4. On the other hand, learned State counsel and counsel for objector oppose bail application and submit that the prosecutrix has clearly stated that on 15/08/2019, the applicant had taken her away by falsely stating that her husband had met with an accident and then she was taken to Mungeli, where, an attempt was made to outrage her modesty by catching hold of her hands and later on, she was kept in wrongful confinement where she was kept for almost 4-5 days. The applicant's friend Dileep saw her and scolded the applicant in keeping the prosecutrix in wrongful confinement. The applicant threatened her if she discloses the incident to anybody, he will see that her husband suffers. Therefore, she could not inform the matter to her husband and went to the parental house and after few days, she informed about the incident to her husband and this finally culminated in lodging report on 14/07/2020.

5. Having considered submission of learned counsel for the parties and the matter disclosed in the case diary, on *prima facie* considerations, it is found that the prosecutrix, a major lady, lodged report on 14/07/2020, in respect of the incident stated to have happened from 15/08/2019 to 20/08/2019. Moreover, on the basis of the disclosure made by the learned State counsel from the case diary, it is also apparent that on 16/08/2020, the husband of the prosecutrix made missing person report that his wife was missing and finally, when the prosecutrix was recovered, it has been recorded in the records of the police station that the prosecutrix stated that she did not want to live with her husband and wherever she is living, she is living of her own wishes. At that time, she did not make allegations against the applicant. Now, after about 1 year, when she had already made statement that she left her home of her own wishes, allegations have been leveled against the applicant that the applicant outraged modesty and kept in wrongful confinement for 4-5 days. In statement under Section 164 CrPC, now, it has been stated that this report could not be lodged within reasonable time. Moreover, it is found that the prosecutrix herself claimed to have disclosed the incident after few days to her husband i.e. according to her report, incident disclosed in August,

2019 to her husband itself but her husband had lodged missing person report on 16/08/2019 and the prosecutrix was recovered on 20/08/2019. During this period, no allegations have been leveled against the applicant.

Therefore, on *prima facie* considerations, there is considerable force in the submission of learned senior counsel that it is a case of false implication on afterthought grounds. Therefore, present is a fit case for grant of bail.

6. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with two local sureties for the like sum to the satisfaction of the arresting officer and he shall abide by all the following terms and conditions:-

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he 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.
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge