

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3438 of 2020**

- Laxman @ Shaktiman S/o Dilip Sonwani Aged About 20 Years R/o Village Dewar Dera, Prem Nagar, P.S. Pandri, District- Raipur, Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Pandri, District- Raipur, Chhattisgarh.

---- Respondent**CONT No. 836 of 2020**

- In The Matter Of Suo-Moto Contempt Case

---- Petitioner**Versus**

- Jannat Sonmongri D/o Dilip Sonmongri Aged About 18 Years R/o Devardera, Premnagar Mova, Police Station Pandri, District Raipur Chhattisgarh **---- Respondent**

For Applicant :- Mr. P.K. Patel, Advocate
For Respondent-State :- Mr. Alok Nigam, G.A.
For Objector :- Mr. Manoj Jaiswal, Advocate
For contemnor in Cont No.836 of 2020:- Mr. C.R. Sahu, Advocate

Mr. Ajay Yadav, Senior Superintendent of Police, Raipur, Mr. Yakub Memon, SHO, Pandri and Mr. Khelan Singh Sahu, I.O. are present in the Court.

Contemnor – Jannat Sonmongri and prosecutrix are also present in the Court.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

15/01/2021

MCRC No.3438 of 2020

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.265 of 2019, registered at Police Station Pandri, Civil and Revenue District Raipur C.G. for the offence punishable under Sections 294, 323, 506, 376 (a)(b) of the I.P.C. and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. The present is an extraordinarily unfortunate matter where the applicant, who is facing allegation of committing rape with his cousin has pressed his bail application on the strength of statement of no objection purportedly accorded by the complainant. However, when this Court examined the matter, it was found that the no objection is accompanied with an affidavit of one Jannat saying that she is the complainant, in the instant case. Whereas, in the application for no objection she stated that she is the sister of the complainant. It was thus not clear as to whether Jannat was the complainant or sister of the complainant. Subsequently, Mr. Manoj Jaiswal, learned counsel who had earlier filed memo of no objection moved an application for withdrawal of no objection supported by another affidavit of Jannat. While in the first affidavit Jannat stated herself to be a daughter of Late Dhunari Devar, in the subsequent affidavit name of her

father was mentioned as Dilip Sonmongri. In these circumstances, this Court refused to allow Mr. Manoj Jaiswal, learned counsel to withdraw his power or the memo of no objection.

3. On 07.01.2021, the prosecutrix as well as deponent Jannat appeared before this Court and in course of hearing prosecutrix stated that she has not lodged any report against the applicant. Faced with this situation, this Court has no other option but to direct the concerned Police, including the Superintendent of Police to remain present before this Court to explain the situation.
4. Today Mr. Ajay Yadav, Senior Superintendent of Police, Raipur, Mr. Yakub Memon, SHO, Pandri and Mr. Khelan Singh Sahu, I.O. present in the Court would inform to this Court that not only the FIR was registered and her statement was recorded by the I.O., in the same words in which she has lodged the report, but the prosecutrix was also taken to the concerned Judicial Magistrate for recording her statement under Section 164 Cr.P.C. in which she reiterated the allegations as mentioned in the FIR and in the diary statement.
5. It is also stated by the Senior Superintendent of Police that it is a case of incestuous relationship and the prosecutrix is presently residing in her house. The applicant is cousin of the prosecutrix.
6. This Court does not appreciate the manner in which Mr. P.K.

Patel and Mr. Manoj Jaiswal, learned counsel have taken steps in the matter. Indeed, they owe a duty to protect interest of their client, but at the same time they also owe greater duty to the judicial system and the Court as well so that the record of the Court is put straight and a client does not indulge himself in obtaining relief by making false statement or on the basis of some *ipse dixit*.

7. If this Court would not have examined the matter minutely, bail would have been allowed in favour of the applicant on the basis of no objection by some other girl than the prosecutrix. In such cases, it is the Court which is always blamed and not the parties. Mr. P.K. Patel, Advocate and Mr. Manoj Jaiswal, Advocate should be careful in future.
8. The prosecutrix is stated to be less than 18 years of age, therefore, considering the manner in which the applicant has tried to persuade the Court to release him on bail, I do not find it to be a fit case to release the applicant on bail.
9. Accordingly, the bail application is dismissed.

Cont No.836 of 2020

1. Mr. C.R. Sahu, learned counsel appearing for the contemnor and the contemnor herself have tendered unconditional apology for the contempt committed by her with undertaking not to repeat such mistake in future.
2. The contemnor otherwise appears to be a girl belonging to lower strata of the society. She also appears to be less educated and rustic, therefore, considering entire fact and

circumstances of the case, the apology is accepted.

3. Accordingly, the contempt proceedings are dropped and the contempt petition is disposed of.

SD/-
(Prashant Kumar Mishra)
Judge

Ayushi