

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No.1400 of 2020**

- Payal Kumari D/o Vidyasagar Prasad, Aged About 25 Years R/o House No. 420, Ward No. 23, Camp-2, Milan Chowk, Police Station Chhawani, Tahsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh

**---- Petitioner****Versus**

- State Of Chhattisgarh, Through - The District Magistrate, Durg (Station House Officer, Police Station Jamul, District Durg Chhattisgarh., District : Durg, Chhattisgarh

**---- Respondent****Present:-**

Shri R.K. Sahu, Shri Rajesh Verma and Shri S.K. Banjare, counsel for applicant.  
Shri Lalit Jangde, GA for State.

**Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**  
**Order On Board**

**19/03/2021**

Heard.

1. The applicant has preferred this application under Section 438 of Cr.P.C., apprehending her arrest in connection with Crime No.394/2020, registered at Police Station–Jamul, District Durg for alleged commission of offence under Sections 294, 506, 323, 394, 34 of IPC.
2. Case of the prosecution is that the applicant and other accused looted the chain and also assaulted the complainant-Gopi Nahar.
3. Learned counsel for the applicant submits that this is a case of false implication. It is submitted that the applicant lodged the report at earlier point of time alleging that when she had gone for dinner with other company, the complainant-Gopi Nahar and other persons outraged her modesty, her clothes were pulled up and she was assaulted also along with Manish Sonkar, due to which, the applicant had to lodge FIR in the police station Jamul under Crime No.393/2020 only as a counterblast, the co-accused of that case namely Gopi Nahar has filed a fabricated report that he was looted by the co-accused Manish and the present applicant, which is wholly improbable. It is submitted that on the

FIR lodged by the complainant, crime was registered and the applicant and Manish both were examined and they were found sustained injuries. It is next submitted that the applicant is pregnant also and therefore, at this stage, it is prayed that the applicant may be granted the benefit of anticipatory bail.

4. On the other hand, learned State counsel opposed the prayer for grant of bail by submitting that in view of the report lodged by the complainant-Gopi, prima facie case is made out against the present applicant and the FIR lodged by the present applicant almost simultaneously the FIR lodged by the complainant with a time lack of five minutes.

5. Taking into consideration the submission of learned counsel for the parties, perusing the case diary of crime number registered on applicant's report and the report lodged by the complainant-Gopi Nahar, it is prima facie found that the applicant had lodged the report at earlier point of time alleging that her modesty was outraged and she was also assaulted along with Manish by a group of assailants including Gopi Nahar. The case diary also reveals that the present applicant and Manish both were found having sustained injuries, therefore, possibility of false implication of the present applicant in the complaint cannot be ruled out. In my considered opinion, the present is a fit case for grant of anticipatory bail to the applicant.

6. Accordingly, the bail application is allowed. In the event of arrest, the applicant shall be released on anticipatory bail on furnishing a personal bond for a sum of Rs.25,000/ with one local surety in the like sum to the satisfaction of the arresting officer on the conditions as below:-

- (A) She shall make herself available for interrogation by a police officer as and when required;
- (B) She 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 her from disclosing such facts to the Court or to any police officer, *and*
- (C) She shall cooperate with the investigation as and when she is called.

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