

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6625 of 2015

Juber Ahmad @ Gatar, S/o Atik Ahmad, Aged About 50 Years, R/o Near Old Bus Stand, Gorela, Police Station Gorela, Civil and Revenue District Bilaspur (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh Through: Police Station Gorela, District Bilaspur (Chhattisgarh)

---- Respondent

For Applicant	:-	Mr. Manoj Paranjpe, Advocate
For Respondent/State	:-	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/12/2015

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 288/2015 registered at Police Station – Gorela, District- Bilaspur (C.G.) for the offence punishable under Sections 153-A, 153-B, 295-A, 504, 505 of IPC and section 66 of the Information Technology Act, 2000.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after filing of the charge sheet on 26.10.2015 in M.Cr.C. No. 5296 of 2015.
3. As per the prosecution case, on 11.09.2015 the applicant sent messages by whatsapp and circulated it amongst the Hindu and Muslim community and due to which the tense atmosphere had been created between both the communities. Therefore, the offence is committed.

4. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that the messages so sent by the applicant was wrongly circulated by applicant to a group for that applicant tendered apology. It is further stated that the charges sheet in this case has been filed and the applicant is in jail since 15.09.2015 and therefore, he may be enlarged on bail.
5. Per contra State counsel opposes the prayer for grant of bail.
6. Having regard to the fact and the allegation leveled against the applicant and offence is triable by the JMFC; and the maximum punishment prescribed for three year; and as perusal of the document and evidence and on consideration of fact that the charge sheet has been filed; and further taking the fact that the applicant is in jail since 15.09.2015; this Court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Goutam Bhaduri)
Judge