

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1267 /2015

Mohar Khan, S/o Abdulla Khan, Aged About 32 Years, R/o Ward No. 2,
Ratanpur, P.S. Ratanpur, Distt. Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through P.S. Ratanpur, Distt. Bilaspur,
Chhattisgarh

---- Respondent

For Applicant : Mr. Rajesh Jain, Advocate.

For Respondent : Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/12/2015

1. Apprehending arrest in connection with Crime No.264/2015 registered at Police Station- Ratanpur, District Bilaspur (C.G.) for the offence punishable under Section 384 read with Section 34 of Indian Penal Code and Section 66-A of Information Technology Act, 2000, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution story, in brief, a complaint was made by one Sanjeev Gupta who runs a Computer Center alongwith SBI Grahak Sewa Kendra at Ratanpur that on 02.10.2015 he received a phone call from Pradeep Thakur, the co-accused, alleging that the complainant has uploaded objectionable things about Mahatma Gandhi and Bhagat Singh and in order to settle and save the complainant, he demanded money. Subsequently, when the complainant checked his Facebook, it was found that the objectionable part was uploaded in Hindi on 29.09.2015 at about 4:30 pm and at that time the present applicant was in-charge of the respective Computer, therefore, immediately a report was made.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case because of the fact that the applicant has not been paid the amount for his job rendered at Computer Center and in order to avoid the same the false allegations have been leveled.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. On perusal of the case diary and statement, prima facie, it appears that the Computer whereby the message was loaded was operated by the applicant on 29.09.2015, therefore, taking into the documents and the case diary, I am not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant, as perusal of case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required. Consequently, I am not inclined to allow the application.
7. Accordingly, the anticipatory bail application is rejected.

Sd/-
(Goutam Bhaduri)
Judge