

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 18 of 2016

Ahmad Raza, S/o. Abdul Rauf, Aged About 30 Years, R/o. Salhewar Para
Ward, Dhamtari, Distt. Dhamtari, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through P.S. City Kotwali, Distt. Dhamtari,
Chhattisgarh

---- Respondent

For Applicant : Mr. Syed Majid Ali, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.01.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.299/2015, registered at Police Station– City Kotwali, District Dhamtari (C.G.) for the offence punishable under Section 292(A) of IPC and 67(A) of I.T. Act.
2. Case of the prosecution, in brief, is that a Muslim and Hindu community went into a dispute because of the reason a Muslim girl and Hindu boy were in love relation. The applicant in order to give it a communal colour forwarded different messages to disturb the communal harmony and also superposing the picture forwarded into the WhatsApp group showing the face of injured person so as to aggravate the community in between the parties. The applicant therefore was arrested and the computer was seized.
3. Learned counsel for the applicant submits that no evidence has been collected against the applicant and the alleged computer has been seized from Raipur. He further submits that the applicant is

already under the pre-trial detention from 17.11.2015 and the applicant has 5 & 7 years old children and their livelihood is completely based and they are dependent upon the applicant. Taking into fact that the charge sheet has been filed and no further evidence is required, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the case diary and the documents. Perusal of the case diary and the charge sheet documents shows that the alleged computer wherein the applicant has forwarded different messages has already been seized and no further evidence is required. Taking into fact that the charge sheet has been filed and the applicant is already in jail since 17.11.2015, therefore, considering the pre-trial detention of the applicant, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge