HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 101 /2016

Rajesh Mangtani, S/o. Shri Gelaram Mangtani, Aged About 40 Years, R/o. Ward No.11 Manendragarh, Police Station Manendragarh, Civil & Revenue District Koriya, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Manendragarh, Civil & Revenue District Koriya, Chhattisgarh

---- Respondent

For Applicant : Mr. Abhishek Kumar Singh, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/03/2016

1. Apprehending arrest in connection with Crime No.133/2015 registered at Police Station- Manendragarh, District Koria (C.G.) for the offence punishable under Section 153(A) of Indian Penal Code & Section 66(A) of Information Technology Act, 2005, 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 case, the applicant on 25.12.2015 created a Whatsapp group in name of 'Katuwa' and thereafter, it was deleted within half an hour and renamed the Whatsapp group as 'Sorry' group; however, out of 12 members in the group feeling aggrieved made a complaint against the applicant before the concerned Police Station and thereafter the offence has been registered.

3. Learned counsel for the applicant submits that the applicant has tender his apology to the persons and the issue has been settled and the publication is also made by the father of the applicant and tendered unconditional apology. He relied on Annexure A-3, which is given by the complainant and would submit that the issue has been settled and the complainant do not want any further action, therefore, the applicant may be enlarged on anticipatory bail.

4. Learned State counsel, on the earlier date of hearing, was directed to verify as to whether any compromise has been affected in between the complainant and the applicant and make his submission. He verified and after recording of the statement of the complainant submits that they have settled the matter and the complainant do not want any further action.

5. Perused the case diary and the statement/ submission. Considering such submission, which is a part of the case diary, I am inclined to release the applicant on anticipatory bail.

6. Accordingly, the anticipatory bail application is allowed.

7. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on furnishing a personal bond to a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

(i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;

(ii) that the applicant 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 him/her from disclosing such facts to the Court or to any police officer;

(iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Ashok