

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6565 of 2016

- Lal Gopal Jaishwal S/o Late Kallu Ram Jaishwal Aged About 50 Years R/o Village Marwahi, Police Station Marwahi, District- Bilaspur, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through the Inspector, Police Station Pendra, District- Bilaspur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Abhishek Sinha, Advocate
For the Respondent	:	Mr. Avinash Mishra, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.10.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 201/2016 registered at P.S. Pendra, Distt. Bilaspur (C.G) for the offence punishable under Sections 295(A), 298, 153(A), 153(B), 504, 505 (2) of IPC and Section 66 of the Information Technology Act.
2. As per the prosecution case, on 07.07.2016 the applicant in Whatsup group circulated some message to different persons which was likely to disturb the peace and tranquility in the society and cause enmity between the two religions, thereby the offence is committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the offence u/s 66-A of the Information Technology Act is not made out. He further submits that the charge sheet in this case has been filed and no further investigation is necessary

and till date neither any causalities are reported nor any hatred or enmity has been spread out between the communities.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents. The charge sheet in this case has also been filed. The case diary do not show any enmity or any breach of peace took place in the community due to circulation of such message.
6. Taking into fact that the charge sheet has been filed and the applicant is in jail since 09.07.2016, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**