

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7262 of 2016

Nazmat Khan, S/o. Late Nashir Khan, Aged About 28 Years, Occupation Private Service, R/o. Mohalla Mominpura, Police Station & Tehsil Ambikapur, District Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Ambikapur, District Surguja, Chhattisgarh

---- Respondent

For Applicant : Mr. Shakti Raj Sinha, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/12/2016

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.682/2016 registered at Police Station- Ambikapur, District Surguja (C.G.) for the offence punishable under Section 153(A), 295(A) of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant on 04.10.2016 has posted certain remarks in respect of Goddess Durga in the Facebook and circulated in the social network on Facebook & Whatsapp, thereby, the offence has been committed.
3. Learned counsel for the applicant would submit that on 24.07.2016 as per Annexure A-2, it was reported by the applicant that his Facebook I.D. has been hacked by someone and wrong posting has been made and to that extent no investigation was being carried out. He further submits that the charge sheet has

been filed in this case, no further investigation is necessary and the applicant is in jail since 05.10.2016, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. It appears that the charge sheet has been filed. Considering the facts and circumstances of the case and the fact that the offence is triable by JMFC and the applicant is in jail since 05.10.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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