

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 169 of 2017

- Saurabh Jaiswal S/o Shri Rajendra Jaiswal, Aged About 22 Years
Caste Jaiswal, R/o Tapkara, Police Station Tapkara, District Jashpur
Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer Of Police Station
Tapkara, District Jashpur Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Arun Shukla and Mr. Vinay Pandey, Advocate
For the Respondent	:	Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.02.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 106/2016 registered at Police Station Tapkara, Distt. Jashpur (C.G) for the offence punishable under Sections 153(A) & 295(A) of IPC.
2. As per the prosecution case, on 22.12.2016 the applicant has forwarded some "Whatsapp" message which caused hurt to the complainant who belonged to a particular community therefore he lodged a report on 23.12.2106 and thereafter the applicant was taken into custody.
3. Learned counsel for the applicant would submit that the message was wrongly forwarded to the applicant and he has not created the said message. He further submits that the applicant tendered his apology to the community, therefore,

the complainant has also given “No objection” for grant of bail to the applicant. It is further submitted that the applicant is 22 years old and he has no past antecedents, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Learned State Counsel was directed to verify the fact as to whether the “No Objection” to the bail was given by the complainant. The report is submitted wherein the statement of Imran would show that they have stated “No Objection” to the grant of bail to the applicant.
6. Considering the nature of allegations and the fact that “No Objection” was tendered by the complainant for grant of bail as also the fact that the charge sheet has been filed and the applicant is in jail since 24.12.2016, 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 for his appearance before the said Court.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**