

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 2617 of 2017

- Daulat Ram Ahirwar S/o Lt. Jeevan Lal Ahirwar, Aged About 21 Years, Residing of Near Mama Bhanca Talab Tikarapara, Bilaspur, Police Station City Kotwali, Tahsil & District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Sirgitti, District Bilaspur, Chhattisgarh.

---- Non-applicant

And

MCRC No. 2891 of 2017

- Dilip Gandharva S/o Kalicharan Gandharva, Aged About 29 Years, R/o Village Rambod, (wrongly mentioned as Rombod in the order sheet) Police Station Pathariya District Mungeli Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sirgitti (wrongly mentioned as Police Station Koni) District Bilaspur Chhattisgarh

---- Non-applicant

For Applicant – Shri P.K.Tulsyan, Advocate (in MCRC No.2617/2017)
Shri Anil Tawadkar, Advocate (in MCRC No.2891/2017)
For Non-applicant/State – Shri Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14-06-2017

1. Both the cases are analogously heard.
2. These are first bail applications filed under Section 439 of the Cr.P.C. seeking grant of bail to the applicants in connection with Crime No.38/2017 registered at Police Station Sirgitti, District Bilaspur, C.G. for the offence punishable under 295(A) of the IPC and Section 66 of the Information and Technology Act.
3. As per the prosecution, a report was made by the complainant on 29-01-2017 that on 18-12-2016 certain messages were forwarded by the present applicants which was send in the group and alleged that it was done in the deliberate and malicious intention of outraging the religious feelings of a class

by insulting its religious belief; thereafter, on such investigation was made and the messages including numbers of the persons and the group were recovered, thereby offence have been committed.

4. Learned counsel for the applicants submit that the applicants are not author of the messages, they have received the messages from other source and there is no evidence that they have created the messages. They further submit that charge sheet has been filed and no further investigation is necessary; the applicants are in jail since 04-04-2017 and 05-04-2017, therefore, taking into consideration the said facts and the evidence collected, the applicants may be enlarged on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the case diary and the documents. Taking into consideration the evidence collected and the facts that the applicants are in jail since 04-04-2017 and 05-04-2017, charge sheet has been filed, this Court is inclined to release the applicants on bail.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

8. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs.25,000/- with one solvent surety in the like sum to the satisfaction of the concerned trial court for their appearance before the said court as and when directed.

9. C.C. as per rules.

Sd/-
(Goutam Bhaduri)
Vacation Judge