

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1068 of 2017**

- Dr. Omnarayan Tiwari S/o Late Prabhudayal Tiwari, Aged About 49 Years, R/o Housing Board Colony, Sadani Darbar Boriyakalan, Raipur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station - Station House Officer Koni, Bilaspur, District Bilaspur Chhattisgarh

---- Non-applicant

For Applicant : Shri P. K. Verma, Senior Advocate with Shri Virendra Verma, Advocate.

For Non-applicant/State : Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/12/2017**

1. Apprehending arrest in connection with Crime No.367/2017, registered at Police Station- Koni, Bilaspur, District Bilaspur (C.G.), for offence punishable under Section 295/34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by the learned counsel for the applicant that applicant is innocent and has been falsely implicated in this case. It is admitted that the applicant is an academic person and he had prepared the study material which was published by Guru Ghasidas University. The said material was published in the year 2007 and was referred to as study material by the students since long. After a lapse of 10 years in the year 2017 complainant Raja Banjare gave a written complaint stating that in the study material prepared by the applicant the photograph of saintly person is displayed captioned as Swami Charandas. It is statement of the

complainant that the photograph published resembles Guru Ghasidas, a saint Guru of Satnami community. The allegation is this that the captioning of the photograph as Swami Charandas had been intentional to malign and humiliate Satnami community and because of which he feels insulted. It is submitted that even if the contents of the complaint are taken as it is, a wrong caption by itself does not amount to any act comparable as intention to insult the community. Further, no specific photograph of Guru Ghasidas is available to compare with the photograph published in the said study material, hence, the allegation made by the complainant in the complaint is totally misconceived. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary.

5. Facts of the case are mentioned hereinabove in the submission made by learned counsel for the applicant.

6. Considering on the submissions made and the contents of the case diary and taking into consideration this fact that the said study material is on a different subject and does not speak anything about Satnami community, and after overall consideration, this Court is inclined to extend the benefit of anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is allowed. 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 executing a personal bond in 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/-
(Rajendra Chandra Singh Samant)
Judge

Aadil