

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8634 of 2016

Pravin Kumar Bhagat, S/o. Shri Ram Sai Ram, Aged About 28 Years, R/o. Ward No. 14, Darripara, Nagar Kushmi, Police Station- Kushmi, District- Balrampur, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through- Police Station- Kushmi, District- Balrampur, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Soniya Kuldeep, Advocate
For Respondent/State	: Mr. Dilman Rati Minj, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/03/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.34/2016, registered at Police Station – Kushmi, District – Balrampur (C.G.) for the offence punishable under Section 295(A), 153(A) of Indian Penal Code.
2. As per the prosecution case on 25.08.2016 while the Hindus were getting ready to perform Krishna Janmastami at that time, the applicant posted some message in the social media, wherein certain obscene words were narrated against lord Krishna assassinating the character as also the Hindu Dharma, which lead to promoting emity between the groups on the ground of religion, race and outrage the religious feeling with deliberate and malicious act. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and there is no evidence in this

regard that the same was posted by the applicant and he was the author. It is further submitted that he only forwarded the message and the police has not investigated the fact that who was the author of the message. It is further submitted that the affidavit of Ramsai Ram, the father of the applicant has been filed with an assurance that if the applicant is released on bail, they will control the son and would not repeat such type of offence. Therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents as also the affidavit of the father, in person who appears, and extended the assurance that in future they will control his son. Considering the fact that charge-sheet in this case has been filed and no further investigation is necessary, taking into such fact, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge