

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No.516 of 2018**

Raja Vaishnav, S/o Mohan Das Vaishnav, aged about 35 years, R/o Gopi Mahka No.5, Kharsia, Tahsil and Thana Kharsia, District Raigarh, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through the Station House Officer, Kharsia, Tahsil Kharsia, District Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Shri N.K. Malviya, Advocate
For Respondent/State	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****3.7.2018**

1. The Applicant is apprehending his arrest in connection with Crime No.401 of 2017 registered at Police Station Kharsia, District Raigarh for the offence punishable under Sections 153A, 153B, 290, 294 and 120B of the Indian Penal Code.
2. Facts of the case, in brief, are that the Applicant along with other co-accused persons used unparliamentary language on facebook against Marwadi community and tried to create differences in the society. On the report made by one Amar Agrawal and others, police has registered the aforesaid offence against the Applicant and other co-accused persons.
3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He is a person of well-repute. First Information Report has been lodged just to tarnish his image. He never involved in such offence. Only on the basis of suspicion and without there being

any material, he has been implicated in the crime in question. There is no direct evidence available against the Applicant to show that the alleged facebook account has been operated by him. He further submits that in the same facts and circumstances and on the same set of evidence, this Court has already granted benefit of anticipatory bail to Applicants Bhupendra Vaishnav and Arti Vaishnav of M.Cr.C.(A) No.1161 of 2017 on 22.3.2018. Therefore, the present Applicant may also be extended the benefit of anticipatory bail.

4. Learned Counsel appearing for the State opposes the bail application and submits that according to the material contained in the case diary, *prima facie*, the case alleged against the Applicant is made out. Therefore, he does not deserve to be granted anticipatory bail.
5. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties and that no evidence is available that the facebook account in question was operated by the present Applicant and further considering that on the same ground Applicants Bhupendra Vaishnav and Arti Vaishnav of M.Cr.C.(A) No.1161 of 2017 have been granted anticipatory bail by this Court on 22.3.2018, I am inclined to extend the benefit of anticipatory bail to the present Applicant.
7. Accordingly, the bail application is allowed.

8. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs.10,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned Trial Court. He shall also abide by all the following terms and conditions:

- (i) He 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
JUDGE