

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5937 of 2018**

Sudhir Ekka, S/o Bandhna Ekka, Aged About 28 Years
Caste- Uraon, R/o- Village Sihardand, Police Station
Narayanpur, District- Jashpur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, through- Station House Officer,
Police Station- Narayanpur, District- Jashpur (C.G.)

---- Respondent

For Applicant : Mr. Ashish Gupta, Advocate.

For respondent/State : Mr. Suryakant Mishra, Panel Lawyer.

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****04.09.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, for grant of bail to the applicant who has been arrested on 23.6.2018 in connection with Crime No.22/2018, registered at Police Station Narayanpur Distt. Jashpur (CG) for the offence punishable under Sections 149, 153(B), 505(1)(c), 120-B, 109, 117 of the Indian Penal Code.
2. Case of the prosecution is that on 22.4.2018, the applicant along with other co-accused persons in Village Bachraon, Police Narayanapur in order to spread hatred among tribal people against non-tribal people held meeting and gave them wrong impression about the law of the land and also scripted

the same on one stone. Further case of the prosecution is that by holding the meeting the applicant along with other persons gave people wrong impression about law and order.

3. Learned counsel for the applicant submit that the applicant is innocent, he never participated in any such activity and will not participate in future also, if released on bail. It is further submitted that the applicant is in jail since 23.6.2018, he is ready to abide by all the terms and conditions imposed by this Court.
4. On the other hand, learned counsel for the State opposes the bail application and submits that the applicant has spread hatred among the tribal and non-tribal, he has created law and order situation, hence, he may not be released on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Looking to the fact that the offence charged under Section 153-B and 505(1)(c) are punishable with imprisonment of three years and further looking to the fact that the applicant is in custody since 23.6.2018, without further commenting on the merits of the case, I am inclined to allow above bail application.
7. Accordingly, application filed under Section 439 of the Cr.P.C. is allowed on the following terms and conditions:-
 - (i) The applicant will not participate in any public meeting causing hatred among the people of locality.

- (ii) The applicant will co-operate with the authorities for maintaining peace in the area concerned.
- (iii) The applicant will furnish a personal bond in the sum of Rs.25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted from appearance.
- (iv) If any of the above conditions is flouted, bail granted to the applicant by this Court shall automatically cancelled.

Sd/-
(Ram Prasanna Sharma)
Judge