

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1311 of 2018

- Ishwardas Mahant S/o Dhanaudas Mahant, aged about 47 Years Caste- Panika R/o Ganj Pichhe Kharsiya, Tahsil and Police Station- Kharsiya, District- Raigarh, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through- Station House Officer Police Station- Kharsiya, District- Raigarh Chhattisgarh.

---- Respondent

For Applicant : Shri Amarnath Pandey, Advocate.
For Respondent/State : Shri Bhaskar Payashi, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

25/10/2018

1. Heard.
2. The Applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 401/2017 registered at Police Station- Kharsia, District- Raigarh, (C.G.) for the offence punishable under Sections 153-A, 153-B, 294, 120-B of Indian Penal Code.
3. Case of the prosecution in brief is that the Applicant and other co-accused have used un-parliamentary language in Facebook or in social media against one Marwadi Community and tried to create differences in society. On the basis of the report made by one Amar

Agrawal and other, police has registered the said offences against the Applicant and other co-accused persons.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is well reputed person. He has never involved in the such alleged offence and only on the basis of suspicious, he is involved in the said crime without there being any material. It is also submitted that there is no direct evidence that the alleged Facebook account has been operated by him. He further submits that co-accused Ravindra Patel has already been given the benefit of anticipatory bail vide order dated 25.07.2018 in MCRCA No. 753 of 2018. Other co-accused namely Bhupendra Vaishnav and Smt. Arti Vaishnav have also been given the benefit of anticipatory bail vide order dated 22.03.2018 in MCRCA No. 1161/2017 by this Court, therefore, in these circumstances, the present Applicant may be permitted to be enlarged on bail.
5. On the other hand, learned counsel appearing on behalf of the State has opposed the bail application and submits that according to the material contained in the case diary, prima-facie case against the applicant has been made out, therefore, his application should be rejected.
6. Taking into consideration the submissions of both the parties, particularly, the fact that there is no evidence with regard to the fact that the Facebook account was being operated by the present applicant and other co-accused persons have already been given the benefit of anticipatory bail, without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he will abide by all the following terms and conditions:

- That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
- The accused/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;
- The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- 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.

9. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge