

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1161 of 2017

1. Bhupendra Vaishnav S/o. D.D. Vaishnav, Aged about 39 years,
2. Smt. Arti Vaishnav W/o Bhupendra Vaishnav
Both R/o. Near Town Hall Kharsia, Tahsil and Thana Kharsia, District-
Raigarh (C.G.).

---- Applicants

Versus

State of Chhattisgarh Through- Police Station House Jamul District- Durg
(C.G.).

---- Respondent

For Applicants	:	Mr. N.K. Malaviya, Advocate
For Respondent	:	Mr. Sumit Jhanswar, PL

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

22/03/2018

1. Heard.
2. The applicants have filed this application for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No.401/2017 registered at Police Station- Kharsia (C.G.) for the offence punishable under Sections 153-A, 153-B, 290, 294, 120-B of IPC.
3. Case of the prosecution in brief is that the applicants have used un-parliamentary language in Facebook or in social media against one Marwadi community and tried to create differences in society. On the report made by one Amar Agrawal and other, the police has registered the said offences against the applicants.

4. Learned counsel appearing on behalf of the applicants submits that both the applicants are well reputed media journalist. They were never involved in the such alleged offence and only on the basis of suspicious, they are 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 them. In these circumstances, they 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 applicants have been made out, therefore, their 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 applicants, without further commenting on merit of the case, I am inclined to release the applicants on bail.
7. Accordingly, MCRCA No. 1161/2017 is allowed.
8. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a bond in the sum of Rs.25,000/- with one surety each for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:
 - i. That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
 - ii. The accused/applicants 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. The accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

iv. The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. Certified copy, as per rules.

Sd/-
Judge
Arvind Singh Chandel

Rahul