

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1013 of 2017**

- Vikas Khandekar S/o Late Vyas Narayan Khandekar, Aged About 42 Years
R/o Daupara, Mungeli, District Mungeli, Chhattisgarh

---- **Petitioner****Versus**

- State of Chhattisgarh Through The Station House Officer Police Station City
Kotwali, Mungeli, District Mungeli, Chhattisgarh

---- **Respondent**

For Petitioner	:	Ms. Hamida Siddiqui, Advocate
For Respondent/State	:	Shri Ashish Shukla, Dy. AG for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****19/07/2018**

1. Heard.
2. The present petition is for modification of certain conditions in bail order dated 23.01.2017 passed in MCRC No.8378 of 2016.
3. As per the prosecution case, on 04.10.2016 certain objectionable posts were made in the Facebook wherein certain remarks were made against Goddess Durga, which erupted into breach of peace in the community. Subsequently, the applicant was arrested and investigation was made wherein the Facebook remarks were seized and because of such Facebook remarks, the breach of peace in between the community took place. Thereby, the offence has been committed.
4. This Court by its order dated 23.01.2017 passed in M.Cr.C. No.8378/2016

has released the petitioner on the following conditions:-

“5. Perused the case diary and the documents. The charge sheet has been filed in this case. Also perused the undertaking given by the applicant. The offences are triable by the Magistrate. Considering the fact that the charge sheet has been filed and specially taking into the undertaking given by the applicant, I am inclined to release the applicant on bail subject to condition that the applicant undertake to remain outside the District Mungeli till disposal of the trial and further in terms of the undertaking given by the applicant that till the trial is pending, the applicant will appear before the Court by giving his presence before the Police Station Mungeli on each date given by the Trial Court till the trial is concluded.

6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on furnishing a personal bond for a 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 with the aforesaid conditions.”

5. It is contended on behalf of the petitioner that the wife of the petitioner is working in Mungeli and residing with two kids and the attention was drawn to the affidavit that he will not indulge in any kind of criminal activity and also any kind of activity which will promote enmity (haterate) between different groups of the religion, race, place of birth, residence, language etc. It is contended that the petitioner is not able to perform his agricultural duty and there is no source of income to survive outside the District Mungeli.
6. Taking into the period passed in between 23rd of January, 2017 and till date, in the opinion of this Court, the conditions earlier imposed for release of the petitioner are modified to the extent that the petitioner shall not further indulge in any kind of criminal activity and also any kind of activity which will promote enmity (haterate) between different groups of the religion, race, place of birth, residence, language etc. The petitioner shall continue to give his appearance on 10th day of every month in the City Kotwali, Mungeli till

conclusion of trial and breach of any condition thereof subsequently may lead to cancellation of the bail and the police shall be entitled to arrest the petitioner.

7. With such observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu