

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1533 of 2018**

Pushpraj Singh S/o Shri Sitaram Singh Aged About 30 Years R/o Madanpur .Post Fasterpur ,police Station Mungeli ,district Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer ,police Station City Kotwali ,district Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicant : Ms. Rajni Soren, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****05.12.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 383 of 2018, registered at Police Station – City Kotwali, District – Janjgir-Champa, Chhattisgarh for the offences punishable under Section 3 of the Police (Incitement to Disaffection) Act, 1922, Section 124 of the Indian Penal Code and Section 66 (F) of the Information Technology Act, 2000.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No offence has been committed under

Sections 67 and 66F of the Information Technology Act for which, there is no evidence is present in this case. The applicant has not committed any such act which can be regarded as an offence under Section 3 of Police (Incitement to Disaffection) Act, 1922 or Section 124 of the Indian Penal Code. The applicant himself is a police constable and the police department is taking a revengeful attitude against him by registering this kind of offence. In a similar matter, the accused persons were granted bail by this Court. Hence, it is prayed that this applicant may also be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant had been a constable in police department. Earlier, he was removed from service but subsequently, he was given a chance to improve and re-appointed, but again he behaved himself in a similar fashion which shows that he is incorrigible. The applicant has made use of the platform of social network using filthy and abusive words against the high officials which shows how indisciplined he is and he can go to any extent to insult any person and cause disaffection in the ranks. The applicant has clearly expressed his intention that he may join the Maoists. Therefore, offence under Section 66F of the Information Technology Act is made out. Hence, no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. The case against the applicant is that the applicant has initiated a WhatsApp group with title JGR.com.pariwar in which he has continuously

posted objectionable messages and articles with intention to flair up and to create a flair in the members of the said group. An attempt has been made by the police personnel and their family members to raise standards and engaged in agitation which is totally against the image of the disciplined Police Force. Highly abusive and obscene language has been used in the messages. Therefore, the offences were registered against him.

7. On perusal of the hard copy of the messages posted in the WhatsApp group which has appeared that filthy obscene and abusive words have been used for the Higher police Officials of District – Janjgir-Champa which shows total disregard of the ranks and discipline which is essential to be maintained in police force by its members. Hence, it can be said that the messages are of inciting nature and full of indecency. After due consideration of the material produced before the Court, I am of the opinion that this is not a fit case for grant of anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge