

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 61 of 2019**

Pushraj 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 H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.02.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the second bail application of the applicant. The first bail application has been rejected on merits in M.Cr.C.(A) No.1533 of 2018 vide order dated 5.12.2018. 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 Sections 124(A) of the Indian Penal Code, Section 66(F) of the Information Technology Act, 2000 and Section 3 of the Police (Incitement of Disaffection) Act, 1922.

3. It is submitted by counsel for the applicant that in the earlier order this Court has considered the messages which were the transcription of the telephonic conversation and not the Whats-App messages, therefore, the prayer of the applicant be reconsidered. Hence, it is prayed that the applicant 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 transcript of the telephonic conversation of the applicant with others was itself very derogatory containing abusive language for Senior Police Officers, and the compact disc of Whats-App messages is present in the case-diary, which has been considered while passing earlier order. Therefore, this repeat application be rejected.

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

6. The application for grant of anticipatory bail has already been considered in M.Cr.C.(A) No. 1533 of 2018 dated 5.12.2018. After evaluating all the evidence present in the case-diary and apart from that there appears to be no change in the circumstances, I do not feel inclined to grant anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge