

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 286 of 2019

- Gagan Sharma S/o Omprakash Sharma, Aged About 25 Years, R/o Ward No. 5, Bramhanpara, Simga, Police Station Simga, District Baloda Bazar-Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Simga, District Baloda Bazar-Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Pawan Kesharwani, Advocate.

For Non-applicant/State – Ms. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-03-2019

1. Apprehending arrest in connection with Crime No.218/2017, registered at Police Station – Simga, District Baloda Bazar-Bhatapara, Chhattisgarh for offence punishable under Section 295A, 505(2) r/w 34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant has not created any message, he has simply forwarded the message received by him and the message he has forwarded is not of such nature to create hatred between the religious community. Therefore, no offence is made out. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. The FIR has been lodged by complainant Sheikh Rahman that the applicant and one co-accused Chudamani Dewangan have posted objectionable post in the Facebook to hurt the religious feeling of the community. Hence, this case.

6. Considering on the entire material present in the case diary and the fact that nature of the message is objectionable or not would be examined in the trial, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the 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;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge