

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 645 of 2019

- Bhuvneshwar Rathore S/o Late Mohan Lal Rathore Aged About 46 Years Occupation Business, R/o Village Hardi, Bazar, Out Post Hardi, Bazar Police Station Kusmunda, Tahsil Pali, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

For Applicant : Mr. Rakesh Pandey, Advocate.

For Respondent : Mrs.Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

03/05/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.3/2019 registered at Police Station-AJAK, Korba, District-Korba(C.G.), for the offence punishable under Section 3(1)(द)(प) of Scheduled Caste and Scheduled Tribe(Prevention of Atrocities)Act, 1989.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant had though posted a message on Facebook identifying one person as "Harijan", but this does not amount to insult to any person. One similarly placed co-accused Chuleshwar Rathore has been granted anticipatory bail by this Court in MCRCA No.626 of 2019 vide order dated 25.4.2019, hence, it is prayed that this application be allowed.

3. Learned State Counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to FIR lodged one co-accused Chileshwar Rathore posted a message in Facebook, the social networking website that in the meeting of Kshatriya Rathore samaj one person who was present there, belonged to Scheduled Caste. This applicant had commented on the same and expressed his view.
6. This comment made by this applicant amounts to insult or not shall be examined by the trial Court in detail. For the present, I am of this opinion that this is a fit case where applicant should be granted anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and 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 his executing a personal bond in the 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.

Certified copy today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha