

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5369 of 2019

- Kamlesh Kumar Sahu S/o Sewak Ram Sahu, Aged About 22 Years, R/o Durgapara, Laxmin Nagar, Ward No. 5, Supela Bhilai, Police Station - Supela District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

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

----Non-applicant

For Applicant – Shri C.R. Sahu, Advocate.

For Non-applicant/State – Shri Roshan Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-09-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 20-07-2019 in connection with Crime No.258/2019 registered at P.S. - Simga, District Baloda Bazar-Bhatapara, Chhattisgarh for the offence under Section 67A, 72 I.T. Act, and 14 of the Protection of Children from Sexual Offences Act, 2012 and Section 74 of the Juvenile Justice Act and Section 295A, 504, 379 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 20-07-2019. None of the offence registered against the applicant are made out in any sense on the basis of the evidence present in the charge sheet filed against him. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant has uploaded photograph of Guru of Kabirpanthis and made objectionable comment, therefore, there is evidence present, hence, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. The FIR has been lodged against this applicant stating that this applicant has uploaded the photograph which was taken on the occasion of birthday of daughter of one Kabirpanthi Guru in social media making objectionable comment that the Kabirpanthis relish non-vegetarian, because of which the religious feeling of the Kabirpanthis was outraged.
6. Considering that the case is now pending for trial and no purpose would be served if the applicant is kept in continuous detention, hence, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge