

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1772 of 2019

Raju S Patil S/o Sonwaji Patil, aged about 50 years R/o Naharpali
Monet, P.S. Kharsia, District Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh through Station Bhupdeopur, District Raigarh
Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sanjay Agrawal, Advocate.
For Respondent/State	: Ms. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

12/12/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 176/2019, registered at Police Station Bhupdeopur, District-Bhupdeopur (C.G.) for the offence punishable under Sections 295-A of IPC & 67 of Information Technology Act.
2. As per prosecution story, on 12.10.2019 complainant Praveen Dwivedi made a complaint before the concerned police station inter alia on the allegations that the applicant with deliberate and malicious intention has outraged the religious feelings and attempt to insult the religion and religious believes of Hindus by commenting on Hindu Devi Goddess. On the basis of said written report, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is working in the office of Bhilai Steel Plant and is also a reputed person. On 08.10.2019 he received some objectionable messages on his facebook account and by mistake he forwarded the same on his group in social media and when he realized that he forwarded the wrong messages into social media group, before lodging the FIR on 10.10.2019, he apologized with the group members and deleted the said messages from his social media. He further submits that the applicant has no intention to hurt the feelings of anyone, by mistake he forwarded the messages, therefore, he may be granted benefit anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that before lodging the FIR on 10.10.2019, the applicant has apologized with the group members and deleted the said messages from his social media and he has also submitted his apology letter to the concerned police station. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;

- II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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.

Sd/-

(Arvind Singh Chandel)
Judge