

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No.642 of 2020

Nirmal Kujur, S/o Virendra Kujur, aged about 28 years, Caste-Uraon, Occupation-Service (Electricity Department, Sitapur & Mainpat), Line Attendant, R/o Village-Jaiga (Jamdih), Tahsil Mainpat, Police Station-Sitapur, District-Surguja (C.G.)

Versus

State of Chhattisgarh Through the SHO, Police Station-Sitapur, District-Surguja (C.G.)

For Applicant : Mr. D.N. Prajapati, Advocate.

For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

03/07/2020

1. The matter is heard through video conferencing.
2. 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. 57/2020, registered at Police Station Sitapur, Distt. Surguja, Chhattisgarh for the offence punishable under Sections 295-A, 153-A & 505 (2) of the IPC.
3. According to the case of prosecution, on 04.05.2020, the applicant forwarded some objectionable text messages in social media (Facebook) against Brahman Community. On the same day, a report was lodged by the complainant. On the basis of that complaint, offence has been registered against the applicant.
4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the applicant has not created the alleged messages and by mistake he forwarded the messages in social media and when he realized his mistake, on 28.06.2020, he tendered his apology. The Counsel further submits that the applicant has no criminal antecedent and no custodial interrogation is required

in the matter. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution and arguments advanced by both the counsel appearing for the parties and further considering the facts that the applicant has already tendered his apology and it seems that no custodial interrogation is required in the matter. 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.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 25,000/- with one solvent 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 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