

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 611 of 2020

- Suraj Bahadur Yadav S/o Late Mahavir Yadav Aged About 40 Years R/o Village Poksari, Police Station And Tehsil - Batauli, District Surguja, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Officer Incharge Sitapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant : Shri Rakesh Pandey, Advocate.

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

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

09/07/2020

1. The matter is heard through video conferencing.
2. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 31/2020 registered at Police Station Sitapur, District – Surguja, (C.G.) for the offence punishable under Sections 295A, 153A, 505(b) of Indian Penal Code.
3. According to the case of the prosecution, on 7.4.2020 complainant Athar Ali made a complaint against present applicant alleging therein that applicant had posted some indecent remarks/ comments against a particular religion and thus, insulted the sentiments of members of

the said community. On the basis of the said, offence has been registered against applicant.

4. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that virtually the mobile phone through which the post was made was in the possession of the minor son of the applicant who by mistake forwarded the said objectionable post. After getting the knowledge of the said post, applicant immediately tendered his unconditional apology. Applicant had not posted any objectionable message with any ill-intention. Therefore, it is prayed that present applicant may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
8. Accordingly, the bail application is allowed.
9. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also

abide by all the following terms and conditions :

- (i) He 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 fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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