

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 624 of 2020

Rajinder Singh Bhatia S/o Late Shri Sardar Harbhajan Singh Bhatia Aged About 71 Years R/o Churiya, Tehsil Churia, District Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- The Sho, Ps Churiya, District Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	: Mr. Kishore Bhaduri, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.
For Objector	: Mr. Malay Shrivastava, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

01/07/2020

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. 72/2020, registered at Police Station Churiya, Distt. Rajnandgaon (C.G.) for the offence punishable under Section 295-A of the IPC.
3. As per prosecution story, on 11.05.2020, a written complaint has been filed by the complainant wherein it has been alleged that on 27.03.2020, the applicant forwarded objectionable messages against Muslim community in social media (whatsapp group). On the basis of said complaint, offence has been registered.
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 is a former minister and aged about 71 years. The alleged objectionable messages have not been created by him, that have only been forwarded by him. The Counsel further submits that the applicant has no intention to hurt the feelings of any community

and he has already tendered his apology. There is no custodial interrogation is required in the matter. The Counsel lastly submits that since the applicant is an old aged and reputed person of his society, therefore, it is prayed that he may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. Learned Counsel appearing on behalf of the objector submits that though the applicant is aged about 71 years and he is an ex-minister, but, in the year 2018 also, he made objectionable post in social media, since, at that time he tendered his apology, therefore, no report was lodged against him but, in the present case, he intentionally forwarded the said objectionable messages, therefore, it is prayed that the applicant may not be granted benefit of anticipatory bail.
7. I have heard learned Counsel for both the parties.
8. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties particularly considering the facts that the applicant is aged about 71 years, no custodial interrogation is required in the matter and he has already tendered his apology. 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.
9. Accordingly, the anticipatory bail application is allowed.
10. 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.

- V. In the future, if the applicant will do the same nature of offence, this order shall automatically stands canceled without further reference to this Court.

Sd/-

(Arvind Singh Chandel)
Judge