

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 651 of 2020

Siddharth Bangani S/o Ramesh Bangani Aged About 29 Years R/o Ganj Road, Gobra, Nawapara, District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Rajim, District- Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Manoj Paranjpe, Advocate.
For Respondent/State	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

15.07.2020

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. 75/2020, registered at Police Station: Rajim, District: Gariyaband (C.G.) for the offence punishable under Section 188 of IPC and Section 54 of the Disaster Management Act, 2005.
3. According to the case of the prosecution, on 12.04.2020, complainant namely Rahul Thawani made a written report inter-alia on the allegations that the present Applicant with an intention to create terror of COVID-19 has made the negative comments on the social media by sending the whatsapp message in respect of inclusion of his name in the COVID-19 list issued by the Government. On the basis of said, offence has been registered.
4. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case due to personal enmity. He submits that during the course of lock-down, the complainant and his brother visited New Delhi and when they have returned, a list of persons who were advised by the Central Ministry to keep themselves

quarantined, inspite of the said advisory, the complainant was not following the instructions and was loitering and roaming in the area. After knowing this the Applicant sent the whatsapp message in order to make aware to the public. He also submits that the said message was not posted with malafide intention, virtually, earlier the complaint was made by the Applicant against the complainant and just in order to create pressure, present report has been made. He lastly submits that the incident is of 31.03.2020 and FIR has been made on 12.04.2020 therefore, 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 the parties.
7. Considering the facts and circumstances of the case and arguments adduced by counsel for the parties, particularly after going through the whatsapp message which was posted by the present Applicant, 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 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