

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 702 of 2020**

- Anil Pandey S/o Rajnikant Pandey, Aged About 45 Years Occupation Business, R/o Kedarbadi Ward No. 3, Dongargarh, Police Station Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through Station House Officer, Police Station Dongargarh, Dongargarh, District - Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Shri Ranbir Singh Marhas, Advocate.

For Respondent/State : Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****03/07/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No.160/2020 registered at Police Station Dongargarh, District Rajnandgaon, (C.G.) for the offence punishable under Sections 153A and Section 505(1)(c) of Indian Penal Code (wrongly mentioned as 505 (c) in the impugned order).
2. According to case of the prosecution, on 14.4.2020 a complaint has been lodged by Jagjit Singh alleging therein that on 13.4.2020 present applicant on his facebook wall had requested to socially and economically boycott a particular community and that he has been

inciting hatred continuously through social media. It is alleged that present applicant made this post on facebook account with intension to break the social equilibrium and is attempting to incite riots between different societies. On the basis of the above background, offence has been registered against applicant.

3. Learned Counsel appearing for the applicant submits that applicant is innocent and has been falsely implicated in the present case due to political rivalry. He further submits that even if it is admitted that the applicant did make this post the same would not constitute any of the ingredients of the offences punishable under Section 153 A and 505 (1)(c) of I.P.C.. The alleged post cannot be said to be against any particular community/religion but at the most can be said to be a mere expression on how to deal with people opposing a particular faith, therefore, it is prayed that applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case and on perusing the contents of the post in the facebook made by present applicant, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the bail application is allowed.

8. 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 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**