

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 705 of 2020**

- Ishwar Prasad Sahu S/o Ramananad Sahu, Aged About 31 Years Occupation Marketing Representative, R/o Navapara Kabir Chowk, Raigarh, Tahsil And District Raigarh, Chhattisgarh.

---- Applicant

**Versus**

- State Of Chhattisgarh Through The Police Station Chakradhar Nagar Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

**MCRCA No. 738 of 2020**

- Devendra Dewangan S/o Salikram Dewangan Aged About 31 Years R/o Chhattisgarhnagar, Raipur, Tahsil and District- Raipur, Chhattisgarh.

---- Applicant

**Versus**

- State Of Chhattisgarh Through The Police Station Chakradhar Nagar, Raigarh, District- Raigarh, Chhattisgarh.

---- Respondent

**AND**

**MCRCA No. 707 of 2020**

- Ravi Tiwari S/o Ashok Tiwari Aged About 32 Years R/o Koshtapara, Raigarh, Tehsil And District Raigarh, Chhattisgarh.

---- Applicant

**Versus**

- State Of Chhattisgarh Through The Police Station Chakradhar Nagar Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

---

|                      |                                          |
|----------------------|------------------------------------------|
| For Applicants       | : Shri Harshwardhan Parganiha, Advocate. |
| For Respondent/State | : Shri Alok Nigam, G.A.                  |

---

**Hon'ble Shri Justice Arvind Singh Chandel**

## **Order On Board**

**19/08/2020**

1. As the above cases arise out of same crime number, therefore, they are being decided by this common order.
2. The applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 22/2020 (wrongly mentioned as Crime No. 20/2020 in order sheet) registered at Police Station Chakradhar Nagar, Raigarh, District – Raigarh, (C.G.) for the offence punishable under Sections 153-A, 294, 506-B, 147, 148, 201 of the Indian Penal Code and Section 67 of the Information Technology Act.
3. As per the prosecution story, on 18.01.2020, F.I.R. has been lodged by the complainant alleging therein that on 05.01.2020 all the applicants along with other 500-600 persons who were members of one Chhattisgarhiya Kranti Sena, were propagating hatred and inciting violence in the District of Raigarh. It is further alleged that between 06.01.2020 to 16.01.2020, applicants and other co-accused persons made objectionable comments towards particular community through facebook post. On the basis of the said, offence has been registered.
4. Learned Counsel appearing for the applicant submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that contents of the F.I.R. itself shows that at the time of alleged incident there were around 500-600 persons were present. There is no specific allegations against applicants in the F.I.R. It is further submitted that there is also no

material available on record which shows that the alleged comments made in facebook were posted or forwarded by the present applicants. Therefore, *prima facie*, no case is made out against applicants. Thus, it is prayed that present applicants 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 and perused the material available with due care.
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 and further considering the facts that alleged incident occurred on 05.01.2020 and F.I.R. has been lodged on 18.01.2020 and delay in lodging the F.I.R. is not properly explained, also there is no material available on record which shows that alleged comments made in facebook were posted or forwarded by the present applicants, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
8. Accordingly, the bail applications filed under Section 438 of Cr.P.C. are allowed.
9. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them 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. They shall also abide by all the following terms and conditions :

- (i) They 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 them from disclosing such fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-  
**(Arvind Singh Chandel)**  
**Judge**