

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 712 of 2020

Rupesh Kumar Pandey, S/o M.P. Pandey, Aged About 50 Years Presently Posted And Working As Chief Executive Officer, Janpad Panchayat Simga, District Baloda Bazar - Bhatapara Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through - The Station House Officer, Police Station Simga, District Baloda Bazar - Bhatapara Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shashank Thakur, Advocate.
For Respondent/State	: Mr. Vikram Sharma, Dy. G.A.
For Objector	: Ms. Sareena Khan, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

16.07.2020

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. 177/2020, registered at Police Station: Simga, District: Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 153-A, 153-B & 295-A of IPC and Section 67 of Information Technology (Amendment) Act, 2000.
3. According to the case of the prosecution, on 28.05.2020, complainant namely Jitendra Bharti, District President of Bheem Regiment Chhattisgarh, made a written report, alleging therein that, the present Applicant who is posted as Chief Executive Officer, Janpad Panchayat, Simga has shared on the wall of his facebook account wherein, certain remarks have been made against Baba Saheb Dr. Bheem Rao Ambedkar. 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. Virtually, Applicant has an account on the facebook way-back, on 07.11.2014, one person namely Rajesh Badgaina wrote a post on Dr. Ambedkar and tagged 35 persons including the Applicant. The Applicant was not at all aware with respect to the fact that he has been tagged in such a post as

in the face-book wall people keep on tagging each-other. He also submits that the Applicant was tagged in said post made by some other person, but has never shared the same and was totally unaware that someone may misuse the same for robing him in any controversy. He further submits that the Applicant has been involved in this case on the basis of screen-shot of the said post, therefore, Prima Facie no case can be made out against the present Applicant. The incident is of 29.03.2016, but FIR has been lodged after four years, therefore, it is prayed that the Applicant may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State as well as for the objector 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 considering that the facebook post has been shared on 29.03.2016 and the matter was reported after 04 years, 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