

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 785 of 2020

- Satish Kumar Jaiswal S/o Kailash Prasad Jaiswal Aged About 38 Years R/o Village Batwahi, Outpost Raghunathpur, Tehsil Lundra, P.S. Lundra, District Surguja, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Officer Incharge Lundra, District Surguja, Chhattisgarh.

---- Respondent

For Applicant : Shri Rakesh Pandey, Advocate.

For Respondent/State : Shri Sameer Sharma, Dy G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

21/08/2020

1. Heard through video conferencing.
2. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 64/2020 registered at Police Station Lundra, District – Surguja, (C.G.) for the offence punishable under Section 505 of the Indian Penal Code.
3. As per the case of the prosecution, one Pradeep Kumar Gupta lodged a report on 08.06.2020 at police station to the effect that from a whatsapp group named Bhartiya Janata Party, Lundra which was made by present applicant, some obscene comments were forwarded against Ministers of State of Chhattisgarh addressing them as Farzi

Players. On the basis of the said report, offence has been registered.

4. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that applicant has only forwarded the alleged message in the whatsapp group. It is further submitted that from the contents of the F.I.R. and from the contents of whatsapp message, *prima facie*, offence under Section 505-B of the I.P.C. is not made out against applicant. Mostly, offence under Section 500 of the I.P.C. is made out against applicant. Looking to the above, it is prayed that, applicant may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application. He further submits that as per the contents of whatsapp message posted by applicant, *prima facie*, offence under Section 505(b) of the I.P.C. is made out.
6. I have heard learned Counsel appearing for the parties and perused the material available.
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 after perusal of provisions contained in Section 505(b) of the I.P.C. and after going through the contents of whatsapp message which was made by the applicant, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
8. Accordingly, the bail application is allowed.

9. 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/her 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