

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1076 of 2020

Manoj Tiwari S/o Late Mahaveer Prasad Tiwari Aged About 45 Years R/o Nakapara Tongpal District Sukma Chhattisgarh., District : Sukuma, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Tongpal, District Sukma Chhattisgarh.

---- Respondent

For Applicant	: Ms. Madhunisha Singh, Advocate.
For Respondent/State	: Mr. Ravish Verma, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava
Order On Board

20/11/2020

1. 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. 15/2020, registered at Police Station Tongpal, Distt. Sukma (C.G.) for the offence punishable under Sections 153-A & 295-A of the IPC.
2. The prosecution case is that the applicant prepared a message and started promoting it to whatsapp group. According to the prosecution, the message as a whole is in the nature of promoting hatred, ill-will and enmity. On the basis of above, the offence has been registered against the applicant.
3. Learned Counsel appearing for the applicant would submit that the act of the applicant can not be said to be promoting any hatred, ill-will and enmity on the ground of religion between different religious groups, castes or community because the message is very limited to family members and it is not opened in public. Learned Counsel for the applicant further submits that the contents of the message have to be read as it is without including any motive behind it and it is only exaggeration of the expression of an impression which the applicant has drawn on the basis

of certain events of conversion of person from one religion to the other religion and, therefore, by itself it can not be said to commit offence either under Section 153 A or even under Section 295-A of the IPC. Hence, it is prayed that at this stage, the applicant may be granted anticipatory bail.

4. Learned Counsel appearing for the State opposes the bail application and submits that the contents of the message creates hatred, ill-will and enmity because there are serious allegations that persons belonging to one religion are being forced and compelled to convert into other religion under a conspiracy. Thus, by this message what the applicant is doing is that he is promoting hatred, ill-will and enmity between two religion groups, therefore, the applicant may not be granted anticipatory bail.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care, particularly, the message on the basis of which present case has been registered against the applicant. The message, as being read as it is, shows that the applicant has made clear comment on the conspiracy being done to convert persons from one religion to another religion. The message prima facie shows that it is intended to promote hatred, ill-will and enmity between two religious groups. The arguments advanced by learned counsel for the applicant that as the message has been circulated within a very small group, makes no difference.
6. In my considered opinion, it is not a fit case to grant anticipatory bail to the applicant. Accordingly, the bail application is rejected.

Sd/-

(Manindra Mohan Shrivastava)
Judge