

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No. 5998 of 2020**

- Surendra Prasad Gupta, S/o Bholu Prasad Gupta, aged about 27 years, R/o Village Gopalpur, P.S. Jainagar, District Surajpur (C.G.)

**---- Applicant**

**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Jainagar, District Surajpur (C.G.)

**---- State/Non-applicant**

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|-------------------------|---|---------------------------------------------------------|
| For Applicant           | : | Shri Shakti Raj Sinha, Advocate                         |
| For Non-Applicant/State | : | Shri Dinesh Kumar Tiwari,<br>Deputy Government Advocate |

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**Hon'ble Shri Justice Gautam Chourdiya, J**

**Order on Board**

**26.11.2020**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 17.08.2020 in connection with Crime No. 125/2020 registered in Police Station – Jainagar, District Surajpur (CG) for the offence punishable under Sections 153-A & 295-A of IPC.
2. Allegation against the applicant is that he posted certain objectionable comments on Hazrat Mohd Saahab in his facebook account and made the same viral.
3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He submits that the applicant is in jail since 17.08.2020, charge-sheet has been filed and conclusion of the trial is likely to take some time, therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.

5. Considering the facts and circumstances of the case, in particular the fact that the applicant is in jail since 17.08.2020, charge-sheet has been filed, the offence is triable by Magistrate and conclusion of the trial is likely to take some time, without expressing any opinion on merits of the case, the application is allowed.
6. It is directed that in the event of the applicant executing a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned Court, he shall be released on bail. The applicant is directed to appear before the trial Court on each and every date given to him by the said Court, till disposal of the trial.
7. It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-  
**(Gautam Chourdiya)**  
Judge