

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 818 of 2020**

- Sourabh Sharma @ Yitesh Sharma S/o Shri Sohan Sharma, aged about 21 years, R/o village- Gujra, P.S.- Mandir Hasoud, Distt- Raipur (C.G.).

---- Appellant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Mandir Hasoud, Distt- Raipur, Chhattisgarh

---- Respondent

For Appellant	: Smt. Indira Tripathi, Adv.
For Respondent/State	: Shri Vimlesh Bajpai, G. A.
For Complainants	: Shri C. P. Lahre, Advocate

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****16.12.2020**

1. Heard.
2. The appellant has filed this appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order dated 05.10.2020 passed in Crime No. No.331/2020 by Special Judge (Atrocities Act) District – Raipur rejecting his application under Section 439 of the Cr.P.C. The appellant is in jail since 01.10.2020 in connection with offences under Sections 295-A of IPC, 67 of I.T. Act and Section 3 (1) (f) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short “SC/ST Act”) registered at Police Station – Manidr Hasoud, Distt.- Raipur, Chhattisgarh.

3. According to the case of the prosecution, on 30.08.2020 the appellant posted offensive comments against Dr. Bheemrao Ambedkar by using indecent words on his Facebook account, due to which the complainant and other members of Bheem Regiment felt aggrieved. It is also stated that the indecent words and offensive comments used in the disputed post could create communal disharmony and religious dispute. Based on this complaint the aforesaid offence has been registered against the appellant. After completion of investigation charge sheet has been filed against the present appellant.
4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case. After the incident he immediately he explained himself that the said indecent comments were posted by mistake of his friends and he had no intention to comment on Dr. Bheemrao Ambedkar and he himself apologized for it. She further submits that the appellant is a student pursuing his graduation and has no any previous criminal antecedent, therefore it is prayed he be released on bail.
5. Shri C. P. Lahre, Advocate is appearing on behalf of the complainant/s and he objected to grant of bail to the appellant.
6. On the other hand learned counsel for the State opposes the submission made by counsel for the appellant and supports the impugned order.
7. Having heard learned counsel for the parties, considering the fact that the appellant is aged about 21 years, he is a young offender and the offences alleged against the appellant i.e. under Section 295-A of IPC & Section 67 of IT Act and other offences are punishable for imprisonment which may be extended to five years and further

considering the fact that appellant has been arrested on 01.10.2020 and there is no criminal antecedents against the appellant, the fact that there is no apprehension of the accused/appellant tampering with the evidence or absconding as stated by both the counsels for the parties, the charge sheet has already been filed and disposal of appeal is likely to take some time, without commenting on merits of the case I am of the opinion that present is a fit case for grant of bail to the appellant. Accordingly, the appeal is allowed. It is directed that in the event of appellant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of the amount of Rs. 50,000/-each to the satisfaction of the concerned trial Court, he shall be released on bail on the following 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 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.
- (iv) He shall not involve himself in any offence of similar nature in future.

Sd/-

**Gautam Chourdiya
Judge**