

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1811 of 2019

1. Ramprasad Negi S/o Laduram Negi Aged About 51 Years R/o Village Antagarh, Police Station And Tahsil Antagarh District North Bastar Kanker Chhattisgarh.
2. Devendra Salam S/o Halal Khor Aged About 32 Years R/o Village Gudum Tahsil Doundi District Balod Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Station Antagarh, District North Bastar Kanker Chhattisgarh.

---- Respondent

For Applicants	: Mr. Praveen Kumar Tulsyan, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.
For Objector	: Mr. Pushkar Sinha, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

03/01/2020

1. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 73/2019, registered at Police Station Antagarh, Distt. North Bastar Kanker (C.G.) for the offence punishable under Section 295 (A) of the IPC.
2. As per prosecution story, on 10.10.2019, complainant Sanjay Dhruw and others were made a complaint in concerned police station alleging therein that the applicants have sent abusive messages of goddess Durga in their whatsapp group. On the basis of said report, offence has been registered.
3. Learned counsel appearing on behalf of the applicants submits that

the applicants are innocent and have been falsely implicated in the present case. They both are the government teachers, the said messages were by mistaken sent by their kids in their whatsapp group, they have no knowledge about that messages, when they got to know about the said messages they apologized with the said group members and also deleted the said messages from their whatsapp group. The counsel further submits that after apology, the complainant have no grievance with the applicants and they both have settled their matter out of the Court. The counsel finally submits that the applicants are the reputed person of their society, they are permanent resident of above mentioned address and there is no chance of their absconding, therefore, they may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that both the parties have settled their dispute out of the Court. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-

- I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/applicants 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/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge