

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 2093 of 2019

Manoj Sharma S/o Chandrika Sharma Aged About 32 Years R/o Ward No.5
Dabripara Lormi, Police Station Lormi, District Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Lormi,
District Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Mr. UKS Chandel, Advocate.

For Respondent/State : Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/03/2020

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. 535/2019, registered at Police Station Lormi, Distt. Mungeli (C.G.) for the offence punishable under Sections 153 (B) 1 (a), 505- 1(c) of the IPC.
2. As per prosecution story, on 26.11.2019 i.e. the 'Law Day', the applicant has posted an objectionable message from his 'Facebook' ID which was seen by complainant Sunil Kumar Lahre and other persons and complainant Sunil Kumar Lahre lodged a report in concerned Police Station in this regard. On the basis of said report, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the applicant had posted objectionable message regarding formation of new government in Maharashtra State which was misunderstood by the complainant and other persons, as soon as the applicant realized that some persons are disliked his message, immediately after he deleted the said post and posted the apology message from the same ID thereafter FIR has been lodged by the

complainant. The Counsel further submits that neither the applicant has any motive nor any intension to disappoint anybody. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary minutely.
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 facts that as soon as the applicant has realized his mistake, immediately after he deleted the said post and posted the apology message from the same ID thereafter FIR has been lodged. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on 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 him and he shall abide by all the following terms and conditions:-
 - I. That accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicant 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/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicant 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