

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 898 of 2021

1. Ashok Kumar Tiwari S/o Koushal Prasad Tiwari, Aged About 35 Years, Occupation Agriculturist, R/o Darri (Chhindpur), Police Chowki, Hardibazar, Police Station Kusmunda, District Korba (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Chowki, Hardibazar, Police Station Kusmunda, District Korba (C.G.).

---- Non-Applicant

For Applicant	: Mr. Basant Kaiwartya, Advocate.
For Non-Applicant/State	: Mr. B.L. Sahu, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

15/03/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 12/12/2020 in connection with Crime No. 482/2020 registered at Police Chowki, Hardibazar, Police Station Kusmunda, District Korba (C.G.) for the offence under Sections 153, 153(A), 294, 500, 504, 506 of IPC and under Section 67 of IT Act.
- 2) Allegation against the present applicant is that through his Facebook ID Bahiskrit Hindu Ashok, he made obscene, objectionable and abusive comments against the National President of Congress, Chief Minister, other Senior Congress Leaders, Senior Police authorities as well as the Doctors, Judges, and the Muslim Community. On report being lodged to the above effect by complainant Ravindra Jagat, the Congress worker on 11/12/2020 the matter was inquired and the aforesaid offence has

been registered against the applicant.

- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He further submits that the applicant has been arrested on 12/12/2020, charge sheet has already been filed and trial is likely to take some time for its disposal. Therefore, the applicant deserve to be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the fact that the detention period of the applicant who is 35 years old, nature of allegation against him, charge sheet has already been filed, there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, that no communal riot took place due to the alleged act of the applicant, and the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 1,00,000/-** with **two** sureties 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Court.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

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

Chandrakant