

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1229 of 2021**

- Naveen Chouhan S/o Vikram Chouhan, aged about 40 years, Caste-Chikwa R/o Nagar Panchayat, Kotba, chowki Kotba, Police Station Bagbahar, District Jashpur (C.G.)

----Applicant**Versus**

- State of Chhattisgarh, through Station House Officer, Police Station Bagbahar, District Jashpur (C.G.)

----Non-applicant

For Applicant	Mr. Manoj Chauhan, Advocate.
For State	Mr. Jitendra Pali, Dy. Advocate General

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****28/05/2021**

1. The matter is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No. 77/2020 registered at Police Station Bagbahar, District Jashpur C.G. for the offence punishable under Sections 153 (A), 295 (A) and 505 (2) of the Indian Penal Code.
3. Facts of the case are that on 08/08/2020, Complainant Savariya Agrawal has lodged a report alleging therein that on 06/08/2020, the applicant had posted defamatory message in whatsapp group of Kalam Ke Sipahi and thereby disrespected the religious faith of

Hindu Gods. The applicant was arrested on 30/01/2021.

4. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. There was no intention of the applicant to sent such message and to disrespect the religious faith of Hindu Gods. He further submits that the applicant is in jail since 30/01/2021 and due to COVID-19 pandemic, conclusion of trial is likely to take some time. Therefore, it is prayed that applicant may be granted bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, particularly considering that the applicant is in jail since 13/01/2021, charge-sheet has been filed, there is no criminal antecedent registered against the applicant, due to COVID-19 pandemic, conclusion of the trial is likely to take some time and there is no likelihood of the applicant tampering with the evidence or absconding, without commenting on the other merits of the case, I am inclined to allow this bail application.
8. Accordingly, the application is allowed.
9. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.2,00,000/- with two sureties each of Rs. 1,00,000/- 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 this Court.

Sd/-
(Gautam Chourdiya)
Vacation Judge

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