

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 656 of 2021**

- Jageshwar Prasad Yadav S/o Umashankar Yadav, aged about 71 years, R/o Maratarai, Diwanpur, District Jashpur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : Station House officer, Police Station - Patthalgaon, District Jashpur (C.G.)

---- Respondent

For Applicant : Mr. Kishore Narayan, Advocate.
For Respondent. : Mr. B.P. Banjare, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21/06/2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No.102/2021 registered at Police Station - Patthalgaon, District Jashpur (C.G.) for commission of the offence punishable under Sections 295-A and 505 (2) of Indian Penal Code.
2. Allegation against the present applicant is that he made indecent comments against Brahmin Community. He allegedly posted 10 comments in the whatsapp group namely Mahkul Samaj Yuwa Ikai and has demaed the community. Based on this, offence has been registered against the applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in

question. He further submits that the applicant is 70 years old, tested Covid positive and was remained in Covid Centre from 13.05.2021 to 26.05.2021. He is facing post covid symptoms also. Learned counsel also submits that the applicant has only forwarded the alleged video on whatsapp which was already available in the youtube namely 'the Shudra' for last 2-3 months. The said video was already shared by several persons in social media but till date no FIR has been lodged against any person. He also submits that the applicant is not the author of the video and he has only forwarded it. Therefore, anticipatory bail may be granted to the applicant.

4. Counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, and further considering the nature of offence, without commenting anything on merits of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make himself available for interrogation/medical examination before the concerned

investigating officer as and when required;

- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that 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/-

(Rajani Dubey)
Judge