

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 785 of 2021**

- Gulam Mustafa Raza @ Gulam Mustafa Gori S/o Sheikh Mahmood, Aged About 47 Years R/o 937-Near Maharshi Ashram, Vivekanand Ward No. 30, P. S. Bodhgaht (PS not mentioned in impugned order cause title) Jagdalpur District Bastar Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Officer-In-Charge, P. S. Bodhgaht District Bastar Chhattisgarh (District name not mentioned in impugned order of cause title)

---- Respondent

For Applicant	: Ms Reena Singh, Advocate
For Respondent/State	: Shri Roshan Dubey, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

28.07.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No.68 of 2021 registered at Police Station Bodhghat, District-Bastar Chhattisgarh for commission of offense punishable under Section 295A of IPC.
2. Case of the prosecution, in brief, is that, on 17.06.2021, one Avinash Singh Gautam lodged report to the concerned Police Station stating therein that applicant herein while sharing a post from his Facebook account, has outraged religious feelings of Hindus and enclosed Facebook post forwarded by the applicant. Based on the complaint, instant crime is registered against the present applicant.
3. Anticipatory bail application filed before the Court below was rejected by impugned order.

4. Ms Reena Singh, learned counsel for the applicant would submit that alleged post was received in Facebook account of applicant and due to mistake, that post was forwarded by him. There was no deliberate malice intention of applicant to outrage religious feelings of any class or creed and applicant has not committed any offense as alleged against him. Hence, present applicant may be enlarged on anticipatory bail. She further submits that applicant is suffering from Skin Disease, for which, photographs of applicant are also filed. She relied upon judgment of Hon'ble Supreme Court in case of **Ramjilal Modi Vs State of UP and others**, AIR 1957 SC 620.

5. On the other hand, Shri Roshan Dubey, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that along with complaint, alleged post from Facebook account of applicant was also enclosed, showing involvement of applicant in the commission of offense.

6. I have heard learned counsel for the parties.

7. Substance of alleged Facebook post is reflecting in impugned order passed by learned Court below. Taking into consideration nature of allegation and the dictum of Hon'ble Supreme Court in case of **Ramjilal Modi** (supra), without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicant.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, he shall be released on anticipatory bail by the Officer arresting him on his

executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions:

- a) That the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- b) That the 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;
- c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) 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.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma