

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 752 of 2020

- Niraj Chandrakar S/o Shri Chandulal Chandrakar, Aged About 25 Years R/o Village Farfoud, Tahsil And P.S. Arang, District Raipur Chhattisgarh.
---- Appellant

Versus

1. State Of Chhattisgarh Through The P S Arang, District Raipur Chhattisgarh.
2. Rajesh Barle, State Secretary, C.G. Satnami Samaj, Through S.H.O. P.S. Arang, District Raipur Chhattisgarh.

---- Respondents

For Appellant	: Shri J.K. Gupta, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

18.01.2021

1. This appeal by the accused/appellant under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is directed against the order dated 29.09.2020 passed by the learned Special Judge (ST/SC), Arang, District- Raipur (C.G.) in Crime No. 418/2020 refusing to allow his regular bail under Section 439 of Cr.P.C. for the offence punishable under Section 295-A of IPC, 67 of I.T. Act and 3 (1) (f) of the SC/ST Act, registered at Police Station- Arang, District- Raipur (C.G.). The appellant is in jail since 20.09.2020.
2. The allegation against the appellant is that he has shared a photo containing offensive remark against Dr. B.R. Ambedkar on Facebook (Social Media), which hurts the sentiment of the complainant namely Rajesh Barle who is Secretary General of Satnami Community.

3. Learned counsel for the appellant submits that the allegations against the appellant is false and fabricated, he is falsely implicated in the case. He submits that the appellant has not shared that post intentionally it was by mistake. Appellant is in jail since 20.09.2020 and he has no criminal antecedents therefore, he may be granted bail
4. On the other hand, learned State Counsel opposes prayer for grant of bail and submits that the appellant has no criminal antecedents.
5. Though the complainant has been duly served with the notice, neither he is present in person nor is there any representation on his behalf.
6. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation and detention period of the appellant and the fact that the appellant has no criminal antecedents as admitted by both the counsel and conclusion of the trial is likely to take some time, therefore, the appeal is allowed. It is directed that in the event of the appellant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-
 - (a) 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) he shall not involve himself in any offence of

similar nature in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim