

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1484 of 2020**

- Shatruhan Sonkar, S/o Lt. Shri Ramratan Sonkar aged about 38 years, R/o Sundar Nagar Chowk, Danganiya Turn, Mahadev Ghat Road, P.S. Azad Chowk, District Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : Police Station of Police, Civil Line, District Bilaspur (C.G.)

---- Respondent

For Applicant	:	Mr. Pragalbha Sharma, Advocate.
For Respondent.	:	Mr. Raghavendra Verma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22/03/2021**

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.563/2020 registered at Police Station Civil Line, District Bilaspur (C.G.) for commission of the offence punishable under Sections 153, 153A, 153B, 269, 504 and 505(2) of IPC.
2. Case of the prosecution is that, on 11.08.2020, a written complaint has been lodged in Police Station, Civil Line, Bilaspur by one Sandeep Dubey, who is State President of Congress Legal Cell alleging therein that the present applicant in his facebook timeline has posted a post against the present Chief Minister of the State of Chhattisgarh which can lead into religious riots. It has been further alleged that the applicant has posted in his facebook timeline that in

wake of Covid-19, the State Government is illegally receiving money from the Central Government by testing the people corona positive. Based on this, offence was registered against the present applicant under Sections 153, 153A, 153B, 269, 504 and 505(2) of IPC.

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 allegation against the present applicant is that he posted a post on his facebook timeline against the present Chief Minister with regard to Covid-19 and the said post has been deleted by the applicant. He also submits that except Sections 153-A, 153-B, and 259 IPC, all Sections are bailable offence. He also submits that even if the entire prosecution story is taken as it is, no case is made out against the present applicant. He further submits that the applicant has no criminal antecedent and he will not misuse the liberty in any manner and would completely co-operate with the prosecution.
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, in particular that the alleged post has been deleted from his timeline, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. 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.50,000/- 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 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