

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1170 of 2021**

1. Devprasad @ Nanki S/o Shriram Rathore Aged About 39 Years
 2. Shriram Rathore S/o Babulal Rathore Aged About 62 Years
- Both R/o Power House Road Korba, District Korba CG

---- Applicants**Versus**

State of Chhattisgarh through the Station House Officer, Police
of Police Station Civil Lines Bilaspur, District Bilaspur, CG

---- Non-Applicant

For Applicant : Shri Rajiv Dubey, Adv.
For State/Non-Applicant : Shri B.P. Banjare, Dy. Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****22-11-2021**

1. The applicants have preferred this bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail as they apprehend their arrest in connection with Crime No. 734/2020 registered at Police Station Civil Lines, Bilaspur (CG) for the offence punishable under Sections 295-A, 34 of the IPC.
2. As per the case of the prosecution, on 20-10-2020 complainant lodged a report that in Youtube he watched a video in which the present applicants and other co-accused have made a music video, in which they hurt the sentiments of Hindu people and Hindu religion with malicious intent by singing objectionable content against Hindu deities and Hindu religion. Based on this, offence has been registered against the present applicants and other co-accused persons.
3. Counsel for the applicants submitted that the applicants have been falsely implicated in the crime. He submitted that

applicants run music company at Korba. Applicants are producer and director of the song. They have not made any objectionable song in their company. He further submitted that the applicants are ready to file affidavit for apologizing their act. He also submitted that two co-accused of this case have been granted anticipatory bail by the coordinate bench vide order dated 9-4-2021 passed in MCRCA No. 1674/2020 and the applicants are also entitled for grant of anticipatory bail applying the principle of parity.

4. On the contrary, learned State counsel opposed the application for grant of anticipatory bail.
5. Considering the facts and circumstances of the case, particularly taking into consideration that the applicants are ready to file affidavit for apologizing their act, two co-accused persons have been granted anticipatory bail by coordinate bench vide order dated 9-4-2021 passed in MCRCA no.1674/2020, I feel inclined to grant anticipatory bail to the applicants.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting them or the concerned investigating officer. The applicants shall also abide by the following conditions:-
 - (i) that the applicants shall produce an affidavit for apology before the concerned trial Court at the time of their furnishing personal bond in connection with aforesaid crime number;
 - (ii) that they shall make themselves available for interrogation before the investigating officer as and when required;

- (iii) that they 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 any police officer.
- (iv) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (v) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial;

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)

JUDGE