

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1211 of 2021**

Mohd. Sonu Mallik @ Sonu Mansuri S/o Mohd. Riyaz Mansuri,
Aged About 20 Years, Occupation Shop Keeper, R/o Village
Ramchandrapur, Police Station Ramchandrapur, District
Balrampur Chhattisgarh.

Presently R/o Village Kishunpur, P.S. Dhourpur, District
Surguja, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh Through The Station House Officer,
Police Station Dhourpur, District Surguja Chhattisgarh.

---- Non-applicant

For Applicant : Shri Jitendra Shrivastava, Advocate
For Non-applicant/State : Shri Roshan Dubey, P.L.

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****29.09.2021**

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No.55 of 2019, registered at Police Station Dhourpur, District Surguja, for offence punishable under Sections 295A, 153A of Indian Penal Code.
2. Case of the prosecution in brief, is that, on 23.08.2019, applicant has uploaded one picture showing cow standing over a man lying on the ground on his Facebook account with some comment. Aggrieved by posting of aforementioned message in Facebook account, a complaint was lodged on 24.08.2019, based upon which, aforementioned crime for the offences mentioned therein was registered against the applicant.

3. Shri Jitendra Shrivastava, learned counsel for the applicant would submit that applicant has not committed any offence and he was having no intention of causing prejudice to anyone or disrupting the harmony between different religious. Applicant has not committed any offence as alleged against him under Section 295A of IPC because posting was not with malicious intention to outrage the religious feeling of any class of persons. He further pointed out that maximum punishment prescribed under the aforementioned provision is imprisonment upto to three years or with fine or with both. He argued that as the allegations are false and baseless, applicant may be enlarged on anticipatory bail.
4. Per contra, Shri Roshan Dubey, P.L. opposing the submissions made by learned counsel for the applicant, would submit that applicant with intent to outrage the religious feeling of a particular class of persons, posted message in his Facebook account, hence, applicant is not entitled for benefit under Section 438 of Cr.P.C.
5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations against the applicant and submissions made by learned counsel for the parties, without commenting anything into the merits of the case, I am inclined to release the present applicant on anticipatory bail.
7. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on anticipatory bail on his furnishing

a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and he shall be abide by the following conditions :-

(i) he shall make himself available for interrogation by a police officer as and when required;

(ii) 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 facts to the Court or to any police officer.

(iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-
(Parth Prateem Sahu)
Judge