

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1282 of 2021**

Karan Goyal Son of Late Rambhagat Goyal, Aged About 28 Years, R/o. L-10, Vinoba Nagar, P.S. Tarbahar, District Bilaspur (Chhattisgarh).

---- Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station Civil Lines, District Bilaspur (Chhattisgarh).

---- Non-applicant

 For Applicant : Shri Rohit Sharma, Advocate
 For Non-applicant/State : Shri B.L. Sahu, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****07.10.2021**

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.936 of 2021, registered at Police Station Civil Lines, District Bilaspur (C.G.), for offence punishable under Sections 295-A, 153-A, 505 (2) of Indian Penal Code.
2. Case of the prosecution in brief, is that, applicant had uploaded objectionable post in social media through his face-book ID against the people belonging to particular religion due to which, he has conspired in spreading religious violence. They have also raised objectionable slogan. Aggrieved of the act of applicant, a written report was lodged with the concerned police station. Based upon which aforementioned crime was registered against applicant and one another.

3. Shri Rohit Sharma, learned counsel for the applicant would submit that applicant has not committed any offence as alleged against him but has made certain comment on some incident. Applicant is a social worker and continuously raised voice for protection of the woman and children. He submits that none of the comment, is with an intention to insult any particular religion or to outrage the religious feeling of the people of that class. He further submits that the offences registered against the applicant is punishable with imprisonment upto 3 years or with fine or with both, hence the applicant may be enlarged on anticipatory bail. He also pointed out that every comment would not constitute the offence under Sections 153-A and 295-A of Indian Penal Code. In support of his submission, he places reliance upon the judgment passed by Hon'ble Supreme Court in case of **Ramji Lal Modi v. State of U.P.** reported in **AIR 1957 SC 620** and **Mahendra Singh Dhoni v. Yerraguntla Shyamsundar and another** reported in **(2017) 7 SCC 760**. Placing reliance on the judgment passed by Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar and another** reported in **(2014) 8 SCC 273** would submit that in view of nature of allegation and punishment provided under the offences charged, applicant may be released on anticipatory bail.
4. Per contra, Shri B.L. Sahu, learned Panel Lawyer representing the State opposing the submissions made by learned counsel for the applicant, would submit that the act of the applicant is clearly showing that the applicant has committed offence as alleged against him. In support of his contention, he read over the

contents of First Information Report and written report lodged by complainant. He submits that in view of the material collected by police and the screen-shot of the messages uploaded, applicant is not entitled for grant of anticipatory bail.

5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, aforementioned rulings of Hon'ble Supreme Court and punishment prescribed for the alleged offences registered against the applicant, 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

Yogesh