

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1674 of 2020**

1. Ramvilas S/o Ratiram Khunte Aged About 50 Years, R/o House No. 106, Bastipara Ward No. 6, Khisora, Thana Navagarh, District Janjgir-Champa, Chhattisgarh.
2. Smt. Meena W/o Ramvilas, Aged About 40 Years R/o House No. 106, Bastipara Ward No. 6, Khisora, Thana Navagarh, District Janjgir-Champa, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Civil Lines, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rajeev Kumar Dubey, Adv.
For Respondent/State	: Mr. Udhav Sharma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****09/04/2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicants who are apprehending their arrest in connection with Crime No. 734/2020 registered at Police Station- Civil Lines, Bilaspur, District- Bilaspur (C.G.) for commission of the offence punishable under Sections 295(A) and 34 of IPC.
2. Prosecution case is that on 20.10.2020 the complainant watched a video on YouTube in which the present applicants and other two 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 deity and Hindu religion. Based on this offence has been registered against the present applicants and other co-accused persons.
3. Learned counsel for the applicants submits that the present applicants are innocent and have been falsely implicated in this case. He further submits that the YouTube channel S. B. Music is

a local production of Korba, Chhattisgarh where variety of songs of different genre is available, where the present applicants have only sung the song. He also submits that the applicants are ready to file an affidavit for apology, therefore, the present applicants may be granted anticipatory bail.

4. On the other hand, counsel for the State however opposes the application for anticipatory bail and submits that the applicants are posted a video song on the YouTube which is against the Hindu God, Goddess and religion.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular the applicants are ready to produce an affidavit for apology, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicants. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicants in connection with aforesaid crime number, they shall be released on bail on their furnishing a personal bond in the sum of Rs. 25,000/- 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 applicants shall produce an affidavit for apology before the concerned trial Court at the time of their furnishing a personal bond in connection with aforesaid crime number.
 - (ii) that the applicants shall make themselves available for interrogation before the concerned investigating officer as and when required.
 - (iii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts or the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iv) that the applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (v) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Rajani Dubey)
Judge