

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8188 of 2021**

Ansar Khan S/o Abdul Rab Aged About 20 Years R/o Ward No. 11,
Tahsil Nagari, District Dhamtari Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police Station
Nagari, District Dhamtari Chhattisgarh

---- Non-applicant

For applicant	Mr. Dharmesh Shrivastava, Adv.
For non-applicant/State	Mr. Sudhir Sahu, PL.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****18-11-2021**

1. As per applicant, this is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 123/2021 registered in police station Nagri, Distt. Dhamtari, (CG) for offence punishable under 505(2) of the IPC and Section 67 of the Information Technology Act, 2000.
3. Brief facts of the case are that on 5th and 6th of October, 2021 applicant through his mobile, in Whatsapp and in Instagram, uploaded objectionable content, with intention to create enmity, hatred between persons of two communities. Based on above facts, offence was registered against him under Section 505(2) of the IPC and Section 67 of the IT Act.
4. Learned counsel for the applicant argued that the applicant has been falsely implicated in this case. He has not committed alleged crime. He is 20 years young boy. He has already clarified that he has not made any posts with intention to insult any religion or a society. The offences registered against the applicant are triable by Judicial Magistrate First Class and maximum sentence has been provided upto 3 years or fine or both. The applicant is in jail since 6-10-2021. Hence, he may be enlarged on bail.
5. On the other hand, the State Counsel opposed the bail application.

6. I have heard counsel for both the parties and perused the case diary and the material available on record.
7. Considering the facts and circumstances of the case, also taking into consideration the period of detention, nature of allegation, offences are triable by JMFC, I feel inclined to allow the bail application. Therefore, the application is allowed. It is ordered that if the applicant furnishes one surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, with further condition that he will not commit similar offence in future, he be released on bail.
8. CC as per rules.

Sd/-
(N.K. Chandravanshi)
Judge