

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9583 of 2021

1. Simon Khess S/o Suresh Khess Aged About 41 Years Raurkela, Vandamuda District Sundargarh (Udisa)
2. Kuldeep Kerketta S/o Bandru Aged About 32 Years R/o Jobi, Tehsil Dharamjaigarh, District Raigarh Chhattisgarh.
3. Samal Tirki S/o Chhotema Aged About 38 Years R/o Kilkila Tehsil Pathalgaon, District Jashpur Chhattisgarh.
4. Amit Lakda S/o Dev Lal Aged About 24 Years Khrabhavna, Tehsil Dharamjaigarh, District Raigarh Chhattisgarh.
5. Praveen Lakda S/o Sukhdev Aged About 28 Years Barband, Tehsil Dharamjaigarh District Raigarh Chhattisgarh.

---- **Applicants**

Versus

State Of Chhattisgarh Through Police Station Pathalgaon, District Jashpur Chhattisgarh.

----**Respondent**

For the Applicants	:	Mr. A.K. Yadav, Advocate
Respondent/State	:	Ms. Veena Nair, Dy. A. G.

S.B.- Hon'ble Shri Justice Narendra Kumar Vyas
Order on Board

21.12.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested on 11/1/2021 in connection with Crime No. 270/2021, registered at Police Station- Pathalgaon District Jashpur (C.G), for the offence under Sections 295-A and 4 of Chhattisgarh Religious Freedom Act 1968.

2. As per prosecution case, on 09.11.2021 complainant-Dhaneshwar Prashad Yadav lodged complaint in Police Station Pathalgaon stating therein that on 30.10.2021 at about 4.00 PM, he heard the voice of devotional songs and recitation of musical instrument sound from the house of Bimla Chouhan then he went to the house of Bimla Chouhan and he saw that applicant No. 1 and other co-accused persons had recited the prayer of Christ and persuaded the other people against Hindu rituals and vedic values of Hindu Gods and had invoked the Hindu people that your Hindu Gods have not done anything in your favour and it is better that you should propagate christian philosophy because Lord Christ is the real God and he was being pressurized for conversion into christianity. On the basis of complaint Police has registered an F.I.R. under Section 295-A IPC and sections 4 of Chhattisgarh Religious Freedom Act, 1968.
3. Learned counsel for the applicants would submit that the applicants are innocent and they have been falsely implicated in the case. He would further submit that the case of the applicants are similar to that of co-accused Dharamsai Ekka, who has already been granted bail by the trial Court vide order dated 11/11/2021. He would further submit that the applicants are in jail since 11/11/2021 and final conclusion of the trial is likely to take sufficient long time. Hence, it is submitted that the bail application be allowed and they be released on bail.
4. Counsel for the respondent / State, on the other hand has

opposed the prayer and it is submitted that no case for grant of bail is made out.

5. The applicants have been charged under Section 295-A IPC which reads as under;-

“ Section 295-A Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs. —Whoever, with deliberate and malicious intention of outraging the religious feelings of any class by words, either spoken or written, or by signs or by visible representations or otherwise, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to 3 years or with fine of Rs. 20,000/- or with both.

6. After hearing counsel for the parties and taking into consideration the provisions referred to the above, and the fact that the co-accused has already been granted bail by the trial Court and further considering the fact that the applicants are in jail since 11/11/2021 and that the trial will take some time, I am of the opinion that it is a fit case to grant bail to the applicants.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants be released on bail on each of them furnishing a personal bond in the sum of Rs.50,000/- (rupees fifty thousand) with two local sureties to the satisfaction of the concerned Court. The applicants, however, shall ensure their appearance before the trial Court as and when so directed, till the disposal of the

case. Order accordingly.

9. It is also observed that if the applicants are found involved in the same offence, after their release on bail, then the present bail order shall stand cancelled without further reference to this Court.

**Sd/-
(Narendra Kumar Vyas)
Judge**

Santosh