

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5727 of 2022**

- Nagendra Patel S/o Shri Jeetan Patel Aged About 30 Years R/o Village Tenduwa, Police Station Patna, Teshil Baikunthpur, District Koriya, Chhattisgarh.

---- **Applicant**

Versus

- State of Chhattisgarh Through The S.H.O. Police Station Kotwali Ambikapur, District Surguja, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Rohitashva Singh, Adv.
For Respondent/State : Mr. Shivnath Shrivas, P.L.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

02/08/2022

Heard.

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 493/2022 registered at Police Station Kotwali Ambikapur, District-Surguja (C.G.) against applicant for the offence punishable under Sections 295-A, 504, 505 of the IPC and Section 67 of the I.T. Act.

2. As per the prosecution, it is alleged that the applicant shared provocative comments of a spokesperson of the National Political Party on Facebook which is against the Prophet of Islam and outraged the religious belief of Islam. Based on this offence has been registered against the present applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in



question. He further submits that forwarded messages are not his view or opinion it was the view of some other persons, therefore there was no intention of the applicant to outrage the religious belief of anyone. He also submits that the offence is triable by Judicial Magistrate and the present applicant is in jail since 10.06.2022, there is no likelihood of their case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, further considering the detention period of the applicant that he is in jail since 10.06.2022, and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge