

The High Court Of Madhya Pradesh

MCRC-49582-2021

(ATUL PASTOR Vs THE STATE OF MADHYA PRADESH)

1

Jabalpur, Dated : 25-10-2021

Shri B. R. Pandey, learned counsel for the applicant.

Shri Y. D. Yadav, learned Government Advocate for the respondent/State.

Heard.

This is the first application filed by the applicant under Section 438 of the Cr.P.C. seeking anticipatory bail.

The applicant is apprehending his arrest in connection with Crime No.631/2021 registered at Police Station Kotwali Tikamgarh, District Tikamgarh for the offence punishable under Sections 153(ka), 295(ka), 505(1 ga), 505(2) of the I.P.C.

As per prosecution case, the applicant along with co-accused made certain comments alleging Rashtriya Swayam Sewak Sang as Taliban Terrorist Organization on the social media and viral the message due to this reason, they created nuisance and instigated the religious sentiments of the public.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the case due to political rivalry. He never made comments on any religion or any organization. There is no direct or indirect evidence against the applicant, he has been made an accused only on the basis of suspicions. Investigation has been completed but the charge sheet has not been filed. Due to COVID-19, the trial will take long time. In view of the aforesaid, prayer is made to enlarge the applicant on anticipatory bail.

Learned Govt. Advocate for the respondent/State on the other hand has vehemently opposed the application by submitting that applicant along with co-accused made certain comments alleging Rashtriya Swayam Sewak Sang as Taliban Terrorist Organization on the social media and viral the

message, due to this reason, they created nuisance and instigated the religious sentiments of the public; therefore, it has been prayed that the applicant is not entitle to get the benefit of anticipatory bail.

Keeping in view the facts and circumstances of the case and on perusal of the material available on record including case diary and the role attributed in the commission of offences by the applicant, there is sufficient evidence available against the applicant, in the opinion of this Court, this Court is not inclined to grant the benefit of anticipatory bail to the applicant.

Consequently, this first application for anticipatory bail under Section 438 of the Cr.P.C. filed on behalf of the applicant is hereby dismissed.

(RAJENDRA KUMAR (VERMA))
JUDGE

ahd

