

IN THE HIGH COURT OF MADHYA PRADESH

AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ATUL SREEDHARAN

ON THE 6th OF JANUARY, 2023

MISC. CRIMINAL CASE No. 62197 of 2022

Between:-

**BABULAL DELVAR S/O SHRI GODARAM
DELWAR CASTE AHIRWAR, AGED ABOUT 58
YEARS, OCCUPATION: KRASHI R/O URJA
COLONY ASHOKNAGAR POLICE STATION
DEHAT DISTRICT ASHOKNAGAR (MADHYA
PRADESH)**

.....APPLICANT

(BY SHRI RAJESH PATHAK– ADVOCATE)

AND

**STATE OF MADHYA PRADESH, THROUGH
POLICE STATION DEHAT ASHOKNAGAR
DISTRICT ASHOKNAGAR (MADHYA PRADESH).**

.....RESPONDENT

(BY SHRI BPS CHAUHAN – PUBLIC PROSECUTOR)

This application coming on for admission this day, the court passed the following:

ORDER

This is the **first** application under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail to applicant Babulal Delvar in connection with Crime No.798/2022 for the offences punishable under Sections 153-A, 295A, 505(2).

The applicant is in judicial custody since 24-12-2022 in the aforesaid case. Allegation against the applicant is that there were two Facebook posts uploaded by the applicant which were found to be objectionable and which were stated to have hurt the sentiments of the complainant. Complainant is an organization by the name of Sakal Brahmin Samaj. The said complainant is ostensibly hurt by the posts of the applicant in which he has raised the question "As who is the husband and father of the Bharat Mata". The second Facebook post was for organizing a function of "Burning Manu Smriti" These posts are stated to have hurt the religious sentiments of the complainant. *Per contra*, learned counsel for the applicant submits that as far as the first post was concerned, it was an expression of an opinion and posing a question to the public at large with regard to genesis of the concept of Bharat Mata. As far as the second aspect was concerned of burning Manu Smriti, he says this is not the first time it has been done in the country and pursuant to the said post, nothing has happened and notwithstanding the said post, no such function was ever organized or carried out. Offences are triable by the Court of Magistrate.

Learned counsel for the State while opposing the application for grant of bail has also submitted that there is criminal record of 13 cases against the applicant herein. The same notwithstanding, the Court has only looked the allegations in the case while deciding the application for grant of bail.

Under the circumstances, in view of what has been argued and considered by the Court hereinabove, application is allowed. It is directed that the applicant herein shall be enlarged on bail upon his furnishing a personal bond in the sum of **Rs.50,000/- (Rs. Fifty Thousand Only)** with

one solvent surety in the like amount to the satisfaction of the learned trial court.

Certified copy as per rules.

(Atul Sreedharan)
Judge

Anil*