

Court No. - 17

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S
438 CR.P.C. No. - 5658 of 2021

Applicant :- Shiv Prasad @ Shiv Prasad Harijan & Anr.

Opposite Party :- State Of U.P. & Anr.

Counsel for Applicant :- Ashok Kumar Yadava, Surya Prakash Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

The Court convened through video conferencing.

Heard, learned counsel for the applicant, learned A.G.A. and perused the record.

The present bail application has been filed on behalf of the applicant in FIR/Case Crime No.0122 of 2021, under Sections 147, 148, 149, 395, 397, 332, 353, 504, 506, 427, 336, 307, 34 I.P.C., Section 7 CrI. Law Amendment Act and Section 131, 132 (3), 135 (A) Peoples Representation Act, Police Station-Kandhai, District-Pratapgarh, with the prayer to enlarge them on anticipatory bail.

The submission of learned counsel for the applicants are that the applicants are an innocent persons and have been falsely implicated in the case. He further submitted that the applicant No.1 is reporter at District Level of Hindi news paper "Pratap Kiran". On 19.04.2021 election of gram panchayat was scheduled and he was covering the news at polling booth (village Utrash). He further submitted that the applicant No.1 reported the news about irregularity on the polling booth by the authorities and influential people through twitter handle which is annexed as Annexure-4 to the bail application. He further submitted that due to coverage, the authorities were annoyed and police personal reached on the spot and started beating the voters when objection was raised, and thereafter, FIR in question was lodged against the villagers and also dragged the

applicants and their family members only due to annoyance that applicant No.1 was covering the news in relation to the election and mismanagement of the authorities. He further submitted that general allegation of firing is alleged against the villagers and police is trying to arrest the applicants due to annoyance as the applicant No.1 was covering the activities of the police personal and also flashing the same on the twitter handle. The applicants are ready to co-operate in the investigation, therefore, at this stage, they are entitled to get the anticipatory bail.

Learned A.G.A. opposes the prayer of applicants and submitted that as per the FIR and instructions, the villagers along with the applicants tried to destroy the ballot box and firing was also done by the villagers, therefore, applicants are not entitled for anticipatory bail.

Keeping in view the reasons, as stated above as also the facts and circumstances of the case, it is evident that mismanagement of the authorities was flash on twitter by the applicant No.1 who is the journalist and other applicant is related to him, therefore, the applicants are entitled for interim bail.

Till the next date of listing, in the event of arrest of the applicants, namely, **Shiv Prasad @ Shiv Prasad Harijan and Ramdhari** in the aforesaid case, they shall be released forthwith by the Station House Officer of the police station concerned, on their furnishing personal bond of Rs.50,000/- with the following conditions:-

(1) The applicants shall make themselves for interrogation by a police officer as and when required;

(2) The applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

(3) The applicants shall not leave the District concerned without the previous permission of the Court.

However, it is directed that the applicants will join and participate in each and every aspect of Investigation and will lend full assistance to the Investigating Agency, even with regard to 'discovery of fact' if and when required so by the Investigating Agency.

List this case on 19.07.2021. On the next date, this application shall be decided finally.

In the meantime, learned A.G.A. may file counter affidavit.

The party shall file computer generated copy of order downloaded from the official website of High Court Allahabad, self attested by it alongwith a self attested identity proof of the said person (s) (preferably Aadhar Card) mentioning the mobile number (s) to which the said Aadhar Card is linked before the concerned Court/Authority/Official.

The concerned Court/Authority/Official shall verify the authenticity of the computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

Order Date :- 9.6.2021

Amit/-