

Reg. No. by AO(J) (South) : 622/2020
State vs. Vinod Dua
FIR No. 74/2020
PS : Crime Branch
U/s : 290/505/505(2) IPC

The present application has been taken up for hearing in terms of the Advisory issued by the Hon'ble High Court of Delhi and the Office order dated 30.03.2020 and the subsequent Advisory Protocol issued by the Ld. District & Sessions Judge (South District), Saket Courts Complex, New Delhi through CISCO Web Application / meeting.

09.06.2020

Present : Mr. Anil Kumar, Ld. Addl. PP for State.
Mr. Sandeep Doshmukh and Mr. Vatsalya Vigya, Counsels for accused / applicant.

IO SI Kamal is present.

This is an application u/s 438 Cr.P.C seeking anticipatory bail moved on behalf of the accused / applicant namely Vinod Dua.

Reply to application filed by IO.

Submissions advanced by Ld. Counsel for accused / applicant and Ld. Addl. PP for State duly assisted by Investigating Officer.

Put up for orders at 5.30 pm.


(VINEETA GOYAL)
ASJ/Spl. FTC, SOUTH
SAKET, NEW DELHI
09.06.2020

At 5.30 pm.

Present : None.

Arguments on the anticipatory bail application has already been heard.

The accused / applicant has filed instant application seeking anticipatory bail u/s 438 of Code of Criminal Procedure (hereinafter referred as Cr.P.C) in case FIR No. 74/2020 u/s 290/505/505(2) IPC registered with PS Crime Branch Pushp Vihar.

As per contents of FIR, the accused / applicant as a journalist, running a show "the Vinod Dua Show" in YouTube Channel. In its show which was aired on 11.03.2020 in Episode 245, it is alleged that the accused / applicant made remarks against political parties and their leaders which are likely to provoke breach of peace and misreporting about the role of Central Government in the present sensitive situation in

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Delhi. The action of the accused was likely to create public mischief and promote ill will among the classes.

Ld. Counsel for the accused / applicant submitted that the accused / applicant has fundamental rights to freedom of speech and expression as guaranteed by the Constitution of India which has been recently reiterated by Hon'ble Apex Court in case of Anub Goswami vs. UOI reported at 2020 SCC Online SC 462. It is further submitted that the accused / applicant is a senior citizen and is suffering from diabetes, thalassemia minor, chronic liver disease, low platelet counts, low hemoglobin and hypothyroidism, therefore, he is vulnerable at the age of 66 years due to present pandemic condition created by COVID-19. In support of these submissions, Ld. counsel for accused / applicant has annexed latest medical certificate along with this application.


Ld. APP for State has submitted that the matter is at the stage of investigation and relevant records / information are yet to be collected from YouTube. However, Ld. Counsel for the accused / applicant submits that the accused / applicant undertakes to fully co-operate with Investigating Authorities.

The IO has stated that no custodial interrogation is required, and no recovery is to be affected from the accused / applicant.

I have considered the above submissions and considering the undertaking given by the accused / applicant to co-operate the investigations, submissions made by the IO that no custodial interrogation is required and further considering medical condition of the accused / applicant in the light of prevailing pandemic situation, the accused / applicant namely Vinod Dua is hereby directed to join the investigation and also to co-operate with the IO during the investigation and on his such joining the investigation, no coercive steps be taken by the IO against the accused / applicant till the adjourned date.

Put up for further consideration on 29.06.2020.

Copy of order be uploaded on the website of District Court, Saket Courts, New Delhi. Copy of this order be further supplied to the IO as well as to Counsel for the applicant / accused through e-mail.


(VINEETA GOYAL)
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