

30.07.2020

Court No.08
Item No.26
(ALLOWED)

CRM 4952 of 2020
With
CRAN 3179 of 2020
(Through Video Conference)

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In Re:- An application for bail under section 438 of the Code of Criminal Procedure in connection with Bolpur Police Station Case No. 134 of 2020 dated 02.06.2020 under Sections 143/186/188/283/269/270/271/353/341/504/506/109 of the Indian Penal Code read with Section 3 of the Epidemic Disease Act.

And

In the matter of : **Avishek Dutta Roy**

...Petitioner

Mr. Nazir Ahmed.

...For the Petitioner.

Mr. Prasun Kumar Datta,
Mr. Santanu Deb Roy.

...For the State.

The learned Advocate on record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within 48 hours of resumption of the normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The interlocutory application, being CRAN 3179 of 2020, is thus disposed of.

The petitioner is a reporter of ETV Bharat. He made a news report stating, inter alia, that some police personnel were collecting bribe from a truck loaded with sand. He also reported that while chasing the truck, a vehicle owned by the police department was being driven in a rash and negligent manner causing accident of a person. The said person subsequently died. He also published some photographs along with his report.

This is the prima facie reason for lodging a complaint against the petitioner on the basis of which Bolpur Police Station Case No. 134 of 2020 was registered on 2nd June, 2020.

We have carefully perused the materials on record. We have also heard the learned Counsel for the petitioner and the learned Public Prosecutor in-charge.

It is the fundamental right of a press reporter to publish any news, which

may not be palatable to the administration. It cannot be denied that incidents of the police taking bribes from vehicles are being frequently noticed and reported. We feel in order to stifle and muzzle the voice of the reporter this case has been registered against the petitioner.

We have considered the case diary produced by the learned Additional Public Prosecutor, wherefrom it appears that the police have taken cognizance of the report, which prima facie discloses the offences committed by its own personnel, who had proceeded against the reporter.

The Superintendent of police of the concerned District is directed immediately to initiate enquiry regarding registration of the first information report against the ETV reporter and to investigate about the collection of money by the police personnel, the incident of which has been published by the reporter and to take appropriate action against the offenders.

In view of such circumstances we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail subject to furnishing a personal bond of Rs.2,000/- (Rupees two thousand) to the satisfaction of the arresting officer and subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail, being CRM 4952 of 2020 and CRAN 3179 of 2020 are allowed.

(Bibek Chaudhuri, J)

(Soumen Sen, J)