

**Case :-** BAIL No. - 6461 of 2020

**Applicant :-** Prashant Kanojia

**Opposite Party :-** State Of U.P. Thru. Senior Superintendent Of Police,Lko.

**Counsel for Applicant :-** Surangama Sharma

**Counsel for Opposite Party :-** G.A.

**Hon'ble Attau Rahman Masoodi,J.**

Heard learned counsel for the applicant and learned A.G.A. for the State through video conferencing and perused the record.

The applicant is involved in Case Crime No. 222 of 2020, under Section 153A, 500, 505(1)(b), 505(2) IPC and Section 66 IT Act, Police Station Hazratganj, District Lucknow.

Learned counsel for the accused applicant has submitted that charge sheet in the present case has already been filed and there is no possibility of the applicant tempering with the evidence or influencing the investigation in any manner. The accused applicant is a journalist and has no previous criminal history defeating his personal liberty on the allegation of alleged 'tweet'. The applicant also claims the benefit of freedom of speech for the press.

It is argued that for the offences under which the charge sheet has been filed, the maximum sentence envisaged under law is below seven years. The accused applicant, however, has assured that he shall not indulge in the act of posting tweets which may hurt the sentiments of the public at large or any specific group. The applicant also undertakes to act as a law abiding citizen.

The accused applicant is in jail since 19.8.2020.

The applicant has undertaken not to misuse the liberty of bail granted under this order. He also assures that he shall not intimidate the witnesses nor shall interfere with the course of justice in any manner.

Learned A.G.A. has opposed the prayer for bail, however, the submission as regards the quantum of punishment or entitlement of the accused applicant to be released on bail could not be disputed on any tangible ground.

Having regard to the totality of circumstances, a case for grant of bail is made out.

Let the applicant **Prashant Kanojia** involved in the aforesaid

case crime number be released on bail on his furnishing a personal bond with two sureties in the like amount to the satisfaction of the court concerned with the following conditions.

*(i) The applicant shall file undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.*

*(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.*

*(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him in accordance with law, under Section 174-A of the Indian Penal Code.*

*(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.*

**Order Date :- 21.10.2020**

Fahim/-