

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

CRIMINAL PETITION NOS.950, 953 AND 954 OF 2022

COMMON ORDER:-

These three criminal petitions under Section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C."), are filed to enlarge the petitioners on bail.

2. The petitioners are A-18 to A20 in the same crime in RC0362020S0015 of CBI/VSKP/EO-III, New Delhi. Therefore, these three petitions are heard together and they are being disposed of by this common order.

3. A case under Sections 153A, 504, 505(2), 506 of the Indian Penal Code, 1860 and under Section 67 of the Information Technology Act, 2000, was registered against the petitioners in the above crime.

4. Initially, on the report lodged by the then Registrar General of High Court of Andhra Pradesh alleging that several persons have posted comments in the social media like Facebook, Twitter, YouTube etc., making certain wild and reckless allegations against the High Court and Judges of the High Court and the Judges of the Supreme Court with certain aspersions relating to the Judgments delivered by the Judges of the High Court and thereby that they indulged in the acts of bringing down the image of the judiciary and the High Court in the estimation of the members of the society, about 12 crimes were registered by the C.I.D., Amaravati. Thereafter, as per order dated 12.10.2020 passed by the High Court in W.P.No.9166 of 2020, the investigation was taken up by the

C.B.I. Pursuant to the said orders of this Court, a common F.I.R. was registered consolidating all the aforesaid 12 crimes in view of the commonality of the allegations and the conspiracy that was alleged in committing the said offences by various persons.

5. The petitioners, as stated above, are A-18 to A20 in the above crime registered by C.B.I.

6. Briefly stated, it is the case of the prosecution that A-18 and A-19 are the Advocates by profession. They have recorded a selfi-video, making certain comments in relating to the direction given by this Court to the C.B.I. to take up investigation in the case of a Doctor who was subjected to humiliation by the Police and made certain comments against the High Court in entrusting the investigation in the said matter to the C.B.I. and uploaded the said video with the said comments and aspersions against the High Court in YouTube and also forwarded the said video to Suman T.V., and the Suman T.V. has displayed the said video with the comments of the A-18 and A-19 in YouTube channel which had wide circulation. It is alleged that they made the said unwarranted comments deliberately to tarnish the image of the State Judiciary.

7. It is also the case of the prosecution that A-20 is a Software Engineer and he has also posted a comment in the Social Media i.e. in Facebook making certain reckless allegations against the Judges of the High Court. Therefore, it is alleged that he has also committed the aforesaid offences.

8. During the course of investigation, notice under Section 41A Cr.P.C. was given to all the three petitioners herein. Pursuant to the said notice given to them, they appeared before the C.B.I. After enquiry, the C.B.I. has arrested them on 12.02.2022. Alleging that the petitioners did not cooperate with the investigating agency to disclose the names of the persons, who are behind the conspiracy that was hatched up in making such comments by way of displaying the posts in the social media, the C.B.I. has arrested them. Thereafter, they were remanded to judicial custody.

9. Therefore, the petitioners have filed these petitions seeking bail.

10. Heard learned counsel for the petitioners and learned Special Public Prosecutor for C.B.I.

11. Learned counsel appearing for petitioners/A-18 and A19 would submit that the High Court has initiated contempt proceedings also against the said persons, who had made such comments against the High Court and the Judges in the social media and A-18 and A-19 have tendered unconditional apology in writing to the High Court and they have also repented for making such comments against the High Court and the Judges and the High Court has accepted the said apology tendered by A-18 and A-19 and also closed the contempt case. Therefore, they would submit that as the contempt proceedings initiated against A-18 and A-19 are closed after accepting the apology tendered by them, the criminal prosecution against them for the same incident is not maintainable. Learned counsel for both A-

18 and A-19 would submit that they were already interrogated by the police after police custody of A-18 and A-19 was granted by the learned Magistrate and entire investigation as regards the role relating to A-18 and A-19 in commission of the offence has been completed. Therefore, they prayed for grant of bail to the petitioners.

12. It is also stated that A-19 has been suffering from ailment relating to his kidney and he has been undergoing treatment of dialysis also and thereby prayed to grant bail to him on medical grounds.

13. As regards, A-20 is concerned, learned counsel for the petitioner/A20 would submit that he was also arrested on 12.02.2022 and he has also filed an affidavit before the High Court tendering unconditional apology to the High Court for making the said comments and the same is pending consideration before the High Court. Therefore, he would also pray for grant of bail to A-20.

14. Learned Special Public Prosecutor for C.B.I. vehemently opposed the criminal petition. He would submit that the petitioners have deliberately made wild and reckless comments and allegations both against the High Court and also the sitting Judges of the High Court and the very fact that they have admitted their guilt in the affidavits filed in the contempt proceedings would clearly establish that they are guilty of committing the said offences. Therefore, he would submit that they are not entitled to bail. He would also submit that the investigation in this case is not completed and still some more

accused are to be arrested. However, he admits that police custody of A-18 and A-19 was taken and they were interrogated and that the video relating to their comments was also seized. However, he would pray for dismissal of these criminal petitions.

15. Perused the record.

16. As regards A-18 and A-19 are concerned, as can be seen from the order passed by the Division Bench of this Court in C.C.No.501 of 2020, it is evident from it that both A-18 and A-19 have in writing tendered unconditional apology to the High Court and requested to drop the proceedings against them. This Court has accepted the said apology tendered by A-18 and A-19 in their affidavits and closed the contempt proceedings against them. Therefore, the said fact that the petitioners/A-18 and A-19 have tendered unconditional apology, which was accepted by the High Court and the fact that the contempt proceedings are closed, by accepting their apology, can be taken into consideration as a mitigating circumstance insofar as A-18 and A-19 are concerned to consider their request for grant of bail. Further, as can be seen from the material available on record and particularly from the remand report, it is evident that the C.B.I. has already examined the material witnesses relating to the role played by A-18 and A-19 and they have also seized the video recording from Suman T.V. along with the certificate. They were also interrogated after taking police custody as per the orders of the learned Magistrate. Therefore, as the major part of investigation relating to the role played by A-18 and A-19 is concerned, has been completed and as they also tendered

unconditional apology to the High Court which was accepted and contempt proceedings are closed, this Court is of the considered view that in the said facts and circumstances of the case, A-18 and A-19 are entitled to bail on certain conditions. Although, the said conduct of A.18 and A.19 in making such irresponsible comments against the High Court and the Judges is most reprehensible in the nature of it, as discussed supra, having regard to the fact that they tendered apology which was already accepted by the High Court, this Court is inclined to exercise discretion in their favour to enlarge them on bail.

17. However, as regards the petitioner/A-20 is concerned, although he has filed his affidavit, tendering unconditional apology in the contempt proceedings, still the same is pending consideration before the High Court. The High Court did not accept the same and did not close the contempt proceedings against him. Therefore, he is not similarly placed with A-18 and A-19. Further, the comment that was posted by him in the social media is of serious nature which got effect of bringing down the image of judiciary and the High Court and Judges in the estimation of the members of the society. He being an educated man and Software Engineer is not justified in making such irresponsible comments against the Judiciary and the High Court. Therefore, as his request to accept his apology is still pending before the High Court and as investigation in this case is pending against him, this Court is not inclined to enlarge A-20 on bail at this stage.

18. Therefore, the Criminal Petition Nos.950 and 954 of 2022 are allowed. The petitioners, who are A-18 and A-19 are ordered to be enlarged on bail on execution of self bond for Rs.50,000/- (Rupees fifty thousand only) each with two sureties for a like sum each to the satisfaction of IV Additional Junior Civil Judge, Guntur. On their release, both A-18 and A-19 shall report before the Investigation Officer i.e. Deputy Superintendent of Police, Camp Office of C.B.I. in Vijayawada, once in a week between 10-00 a.m. to 5-00 p.m. on every Monday till the entire investigation in this case is completed and charge sheet is filed. They shall not indulge in such acts of making comments in social media against the Judiciary and the Judges. They shall not tamper with the prosecution evidence. They must be available to the Investigation Officer as and when required for the purpose of investigation. A-18 and A-19 shall scrupulously comply with the aforesaid condition and any infraction of the same will be viewed very seriously.

The Criminal Petition No.953 of 2022 is dismissed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date : 25-02-2022

ARR

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

CRIMINAL PETITION NOS.950, 953 AND 954 OF 2022

Date : 25-02-2022

ARR