

Court No. - 71

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6712 of 2024

Applicant :- Amit Maurya @ Amit Kumar Singh

Opposite Party :- State Of U.P. Through Its Secretary(Home)

Counsel for Applicant :- Mahima Maurya Kushwaha, Mukesh Kumar Kushwaha

Counsel for Opposite Party :- Desh Ratan Chaudhary, G.A., Harish Kumar Srivastava, Ishwar Chandra Pandey, Kumar Ankit Srivastava, Manoj Kumar Singh, Siddharth Chaudhary, Sujan Singh

Hon'ble Mrs. Manju Rani Chauhan, J.

1. Heard Ms. Mahima Maurya Kushwaha, learned counsel for the applicant, Mr. Desh Ratan Chaudhary, learned counsel for the informant, Mr. Amit Singh Chauhan, learned AGA for the State and perused the record.

2. The instant bail application has been filed on behalf of the applicant, **Amit Maurya @ Amit Kumar Singh** with a prayer to release him on bail in Case Crime No.0259 of 2023, under sections 386, 389, 504, 506 IPC, Police Station – Lalpur, District–Varuna (Commissionerate Varanasi), during pendency of trial.

3. As per the allegations in the FIR, the informant, serving as the Vice President of the Purvanchal Truck Owners Association, stands as the prime witness and key individual in the FIR lodged against R.S. Yadav, the A.R.T.O. of Chandauli. It is alleged that the informant was instrumental in pursuing the case against R.S. Yadav on behalf of the government, leading to Yadav's detention in jail for the past three years. Additionally, the informant was actively involved in pursuing cases seen by the Anti-Corruption Court. However, the applicant allegedly coerced the informant into refraining from pursuing the case against R.S. Yadav, offering a bribe of one crore rupees. Furthermore, the applicant demanded monthly payments of one lakh rupees from the informant, threatening to tarnish his reputation by publishing damaging articles in newspapers if his demands were not fulfilled. It is also alleged that the applicant resorted to sending threatening messages and engaging in verbal abuse towards the informant. Moreover, the applicant is accused of utilizing social media platforms to propagate hate speech against public figures, including Prime Minister Narendra Modi and Chief Minister Yogi Adityanath,

while also making derogatory remarks against religious figures.

4. In defense, learned counsel for the applicant contends that the allegations against the applicant are baseless and motivated by ulterior motives. They further contend that the applicant has no involvement in the cases against R.S. Yadav and is not associated with any criminal activities. Moreover, they highlight a publication made by the applicant regarding corrupt practices within the transport department, suggesting that this may have provoked the present FIR. The defense asserts that the applicant has never sent threatening messages to the informant nor visited his residence. They also emphasize the applicant's good family background and lack of criminal antecedents. Additionally, they assure the court that if granted bail, the applicant will cooperate fully with the trial proceedings and will not abscond or tamper with witnesses.

5. On the other hand, learned counsel for the informant asserts that the applicant falsely presents himself as a press reporter/editor to conceal his illegal activities. They argue that the applicant has not obtained the necessary licenses or permissions for publishing news articles, and they question the authenticity of the publications made by the applicant. Furthermore, they claim that the applicant has a history of criminal behaviour, as detailed in the counter affidavit. The counsel alleges that the applicant has used social media platforms to propagate hate speech and has made derogatory remarks against public figures and religious figures. They also raise concerns regarding the applicant's use of multiple Aadhar cards for identity purposes.

6. I have heard learned counsel for the parties and perused the record.

7. Firstly, it is imperative to address the principle that if someone is engaged in corrupt practices, the appropriate course of action is to bring forth information to the public domain, allowing for transparency and accountability to prevail. It is the duty of journalists and publishers to disseminate factual information to the public, empowering them to make informed decisions. However, it is entirely unacceptable for publishers to exploit their platform for personal gain, resorting to coercive tactics under the guise of publication. The act of leveraging publication as a tool for coercion not only undermines the integrity of journalism but also erodes public trust in the media, which plays a pivotal role in upholding democratic values.

8. It is crucial to underscore the fundamental principle that in the

event of someone being involved in corrupt activities, the proper course of action entails bringing this information to light in the public domain. This serves to uphold transparency and accountability within society, essential pillars of a functioning democracy. It is the solemn duty of journalists and publishers to disseminate factual and accurate information to the public, thereby empowering individuals to make informed decisions regarding their governance and societal matters.

9. However, it is utterly reprehensible for publishers to misuse their platform for personal gain, resorting to coercive tactics disguised as legitimate publication endeavours. Exploiting one's position in the media landscape to extract benefits or coerce individuals through threats tarnishes the integrity of journalism. Such actions not only betray the trust bestowed upon the media by the public but also undermine the very essence of democratic principles.

10. When publishers resort to leveraging their platforms as tools for extortion, they not only betray the trust of their audience but also jeopardize the foundational values of journalism, which include impartiality, integrity, and commitment to the truth. By engaging in such unethical practices, they erode public confidence in the media, which serves as a crucial watchdog in safeguarding democratic norms and institutions.

11. In essence, the misuse of publication for personal gain not only corrodes the credibility of journalism but also undermines the democratic fabric of society. The media's role as a guardian of truth and accountability is essential in ensuring the health and vitality of democracy. Therefore, it is imperative that publishers adhere to ethical standards and refrain from exploiting their platform for illicit purposes, thereby upholding the integrity of journalism and preserving public trust in the media as a cornerstone of democratic governance.

12. Secondly, the use of personal remarks and abusive language against any individual, particularly public figures such as the Prime Minister or Chief Minister, is reprehensible and antithetical to the principles of civil discourse. In a democratic society, dissent and criticism are essential components of robust governance, but they must be expressed in a manner that upholds dignity and respect for all individuals. Resorting to derogatory language and personal attacks serves no constructive purpose and only serves to inflame tensions and undermine the fabric of civil society.

13. Within the context of democratic governance, dissent and criticism play pivotal roles as mechanisms for accountability and progress. Citizens have the right to express their grievances and concerns regarding governmental actions or policies, fostering a culture of transparency and public engagement. However, it is essential to underscore that the exercise of this right must be conducted with a sense of responsibility and decorum. Respect for the dignity of individuals, regardless of their position or status, is paramount in upholding the integrity of civil discourse. Personal attacks and the use of derogatory language serve no constructive purpose in advancing meaningful dialogue or effecting positive change. Instead, they diminish the quality of public discourse, sow discord, and erode public trust in democratic institutions.

14. In a democracy, the robust exchange of ideas and perspectives is fundamental to the process of governance. Dissent serves as a catalyst for critical reflection and course correction, prompting policymakers to reconsider decisions in light of public feedback. However, when dissent devolves into ad hominem attacks and character assassination, it detracts from the substantive issues at hand and impedes the pursuit of common goals for the betterment of society.

15. Moreover, resorting to abusive language and personal remarks not only undermines the dignity of the individuals targeted but also sets a harmful precedent for future discourse. It fosters a culture of divisiveness and hostility, where civil dialogue becomes increasingly elusive, and the exchange of ideas gives way to vitriol and animosity. Such behaviour not only undermines the fabric of civil society but also hampers the functioning of democratic institutions by diverting attention from substantive issues to petty squabbles and personal vendettas.

16. Thirdly, it is crucial to draw a clear distinction between legitimate dissent with the government and constructive criticism, and the propagation of abusive language and hatred. In a democracy, citizens have the right to express dissent and engage in constructive criticism of government policies and actions. However, this must be done within the bounds of civility and respect for democratic institutions. Resorting to inflammatory language and spreading hatred only serves to sow discord and undermine the foundations of democracy.

17. In discussing the imperative of distinguishing between legitimate dissent and abusive language or hatred, we must underscore the fundamental principles that underpin democratic

discourse. In any democratic society, the ability to voice dissent and engage in constructive criticism of governmental decisions is not only a right but a cornerstone of civic engagement. It is through such dissent that citizens express their concerns, advocate for change, and hold those in power accountable. This process fosters an environment of transparency and accountability, essential for the functioning of a healthy democracy.

18. However, this right to dissent comes with a responsibility to exercise it in a manner consistent with the norms of civil discourse. Constructive criticism entails thoughtful analysis, reasoned arguments, and a commitment to engaging with differing viewpoints respectfully. It serves as a catalyst for meaningful dialogue and positive change, encouraging policymakers to consider alternative perspectives and refine their decisions in the best interests of society as a whole.

19. On the other hand, the propagation of abusive language and hatred represents a stark departure from the principles of democratic discourse. When dissent descends into vitriol and personal attacks, it ceases to contribute constructively to public discourse and instead fosters division and animosity. Inflammatory rhetoric not only undermines the credibility of the individual expressing it but also erodes trust in the democratic process itself. It perpetuates polarization, stifles meaningful dialogue, and impedes progress towards common goals.

20. Moreover, the spread of hatred and incendiary language poses a grave threat to social cohesion and undermines the foundational values of tolerance and respect for diversity. In a pluralistic society, where individuals hold diverse beliefs and identities, fostering an environment of mutual understanding and acceptance is paramount.

21. Therefore, it is incumbent upon all members of society, including journalists, activists, and public officials, to uphold the principles of civil discourse and reject the proliferation of abusive language and hatred. While robust debate and disagreement are inherent to democracy, they must be conducted in a manner that respects the dignity and rights of all individuals. By promoting a culture of civility and respect, we can safeguard the integrity of democratic institutions and advance the collective well-being of society.

22. Fourthly, it is essential to acknowledge and uphold the secular principles upon which our nation is founded. Religious sentiments

hold immense significance for millions of citizens, and any act that seeks to denigrate or insult these sentiments is not only morally reprehensible but also a violation of the fundamental rights enshrined in our Constitution. Publishers and journalists must exercise their power responsibly, refraining from making baseless statements or passing derogatory remarks on religious figures or practices. Such actions not only constitute a misuse of power but also pose a threat to the very fabric of our secular democracy.

23. Secularism stands as a cornerstone of our democratic ethos, emphasizing the equal treatment of all religions and the separation of religion from the affairs of the state. This principle not only ensures religious freedom and pluralism but also fosters a society where individuals from diverse religious backgrounds can coexist harmoniously.

24. Religious sentiments hold profound significance for millions of citizens, shaping their beliefs, practices, and cultural identities. In acknowledging the importance of these sentiments, it becomes evident that any act aimed at denigrating or insulting them constitutes a grave affront to the principles of tolerance and respect. Such actions not only undermine the sanctity of religious beliefs but also violate the fundamental rights enshrined in our Constitution, which guarantee the freedom of religion and expression for all individuals.

25. Publishers and journalists, as purveyors of information and opinion, wield significant influence in shaping public discourse and perceptions. It is therefore incumbent upon them to exercise their power responsibly and ethically. Making baseless statements or passing derogatory remarks on religious figures or practices not only constitutes a misuse of their power but also poses a direct threat to the fabric of our secular democracy.

26. In a pluralistic society like ours, characterized by its rich tapestry of religious diversity, fostering an environment of mutual respect and understanding is paramount. Publishers and journalists must be vigilant in their adherence to ethical standards, ensuring that their reporting and commentary do not inflame religious tensions or incite hatred.

27. Upholding secular principles is not merely a legal or constitutional obligation but a moral imperative essential for the preservation of our democratic values. Publishers and journalists play a crucial role in this endeavour, and it is incumbent upon them to exercise their power responsibly, refrain from denigrating

religious sentiments, and uphold the principles of tolerance, respect, and equality for all. By doing so, they contribute to the strength and resilience of our secular democracy, ensuring that it remains a beacon of hope and freedom for generations to come.

28. Fifthly, it is apparent from the allegations presented in this case that the individual in question has egregiously misused publication as a tool for coercion, all while hiding behind the facade of being a journalist. Instead of fulfilling the noble duty of providing accurate and unbiased information to the public, this individual has opted to exploit their position for personal gain. By leveraging their platform to coerce individuals through threats and intimidation, they have not only betrayed the trust of their audience but also violated the ethical standards expected of journalists.

29. The misuse of publication for coercive purposes represents a severe abuse of power and a blatant disregard for the principles of journalistic integrity. Rather than serving as a beacon of truth and accountability, the individual in question has distorted the very essence of journalism, using it as a means to further their own selfish interests. Such reprehensible conduct not only undermines the credibility of the media but also erodes public trust in the institution as a whole.

30. Moreover, the act of using publication as a tool for coercion poses a significant threat to the integrity of democratic values. In a democracy, the media plays a pivotal role in fostering informed public discourse and holding power to account. When journalists abuse their authority for coercive purposes, they not only undermine the principles of transparency and accountability but also corrode the foundation of trust upon which democratic governance relies.

31. In light of these egregious allegations, it is clear that the individual in question has failed to uphold the ethical standards expected of journalists. Instead of serving the public interest, they have chosen to prioritize their own personal gain at the expense of journalistic integrity and democratic values. Therefore, considering the gravity of these allegations, there is no justification for granting bail to an individual who has so blatantly abused their position of trust and influence.

32. In conclusion, considering the gravity of the allegations against the applicant, including the misuse of publication for extortion, propagation of abusive language against public figures, and disregard for religious sentiments, I find no merit in granting bail.

The principles of justice and integrity demand that individuals who abuse their position and influence for personal gain be held accountable for their actions.

33. Accordingly, the bail application stands **rejected**.

34. It is clarified that the observations, if any, made in this order are strictly confined to the disposal of the bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 13.3.2024

Jitendra/-