

13.08.2020

ssd

**CRM 5161 of 2020  
With  
CRAN 3446 of 2020  
(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Arambagh P.S. Case No.239 of 2020 dated 29.06.2020 under Sections 384/506/420/406/467/468/469/471/472/473/474/120B of the Indian Penal Code read with Sections 14/15 of the Press Registration of Books Act, 1867 and Section 12 of Registration of News Paper (Central) Rules, 1956.

And

In the matter of: **Sk Safikul Islam & Ors.**

....Petitioners.

Mr. B.R. Bhattacharya  
Mr. Pintu Karar

...for the Petitioners.

Mr. P.K. Dutta  
Mr. Sanjoy Bardhan  
Mr. Santanu Deb Roy

...for the State.

The petitioners undertake to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The first petitioner claims to be a journalist of sorts, the second petitioner claims to be a photo-journalist and the third

petitioner is the wife of the first petitioner. The petitioners claim that in the wake of the petitioners publishing news which may not have been to the liking of the political dispensation in power, myriad cases have been filed against the petitioners and the first petitioner is in custody for about 45 days.

The State says that a complaint has been lodged that the first petitioner and his associates, by brandishing their credentials as journalists, are engaged in extorting money. However, there does not appear to be any material in support of the charge; at least the same is not evident from the records now available.

As much as dissent may be unpalatable, dissent and the other point of view are the hallmarks of a democratic system and merely because a contrary opinion is uncomfortable, it cannot imply that such dissentient's voice has to be stifled. The fundamental ethos of democracy is lost if reporters, acting responsibly, cannot disseminate news. Equally, it is important for journalists to be honest to their task and rely more on facts to make a point.

It is submitted on behalf of the petitioners that these petitioners have been implicated in several cases merely because they have expressed a contrary opinion on several aspects of administration. While an omnibus order cannot be passed, it must be observed that the investigating agency should exercise due care and caution in respect of future complaints that may be lodged

against these petitioners before mindlessly taking them into custody. Investigating agencies owe a duty of care to the persons complained against, as much as they do to the society at large and to redress the grievance of the complainant. Investigating agencies ought to sift between genuine complaints and fashionable complaints; not to speak of contrived complaints.

On the basis of the material available against these petitioners, there is no justification for detaining them in custody any further.

Accordingly, the petitioners will be enlarged on bail upon furnishing security of Rs.10,000/- (Rupees Ten Thousand only) each and personal release bond of equal amount to the satisfaction of the appropriate Court in Hooghly. The petitioners will cooperate with the investigating officer till the investigation is completed. The investigation must be completed within a reasonable time.

CRM 5161 of 2020 and CRAN 3446 of 2020 are disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)