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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE SANJAY DWIVEDI
ON THE 10th OF JANUARY, 2023**

MISC. CRIMINAL CASE No. 61797 of 2022

BETWEEN:-

**RAJA PATERIA S/O LATE SHRI HARVANSH PATERIA,
AGED ABOUT 69 YEARS, R/O GANDHI WARD HATA P.S.
HATA DISTRICT DAMOH (MADHYA PRADESH)**

.....APPLICANT

**(BY SHRI SHASHANK SHEKHAR - SENIOR ADVOCATE WITH SHRI
SAMRESH KATARE - ADVOCATE)**

AND

**THE STATE OF MADHYA PRADESH THROUGH MAHILA
POLICE STATION PAWAI DISTRICT PANNA (M.P.)
(MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI PRAMOD THAKRE - GOVERNMENT ADVOCATE)

.....

*This application coming on for admission this day, the court passed the
following:*

ORDER

This first post-arrest application under Section 439 of the Code of Criminal Procedure has been filed on behalf of the applicant for grant of bail, who is behind the bars since 13.12.2022 in connection with Crime No.472/2022 registered at Police Station Pawai, District Panna (M.P.) for the offence punishable under Sections 451, 504, 505(1)(B), 505(1)(C), 506, 153-B(1)(C), 115, 117 of Indian Penal Code.

As per the story put-forth by the prosecution, it is alleged against the applicant that in an on-going meeting of Congressmen, the applicant made a

speech overtly using filthy and intimidating language conspiring to commit murder of the Prime Minister of the country and further instigated the persons of minorities in the wake of their religion, caste and language.

Learned senior counsel for the applicant sanguinely submits that the applicant has been fallaciously roped in the crime and in fact it is nothing but a politically-oriented animosity. He submits that the prosecution has given false colour to the incident by manipulating the video-clip, just to bring home the charge against the applicant. He further submits that the applicant being a respectable and experienced political leader, had merely given a speech maintaining normalcy in language and generally the political leader disseminates their agendas by belittling the achievement or merits of leaders of opposite party. It was just a political stunt and there was no intention of the applicant to throw dirt over anybody's character or life causing disharmony in the society. To substantiate the factum that the complainant has manipulated the utterance of statement of applicant, learned senior counsel for the applicant focusing on CD, made appendage to the application, submits that no offence under Section 115 of IPC is made out against the applicant and On these premise, he implores that the applicant may be granted bail.

In contrast, learned counsel for the respondent/State opposes the application and prays for its dismissal inasmuch as it is highly unexpected from a political leader to overtly disparage the image of rival leader that too of the Prime Minister of India. To reinforce his contention, he submits that there are statements of various eyewitnesses available on record, which crystalize the unruly act of the applicant and further there are video-clippings which clearly depict that the applicant has eloquently made a speech using words to provoke other persons of minorities, castigating the image and conspiring murder of the

Prime Minister. In such circumstances and also on the face of the short-span of incarceration, the bail application deserves outright dismissal.

I have given anxious consideration to the submissions made on behalf of rival parties by considering the overall facts and circumstances and perusing the integral part of case diary and watching the video contained in CD. However, the sanctity of video-clipping cannot be tested at this stage and treating the same to be true would not be proper for consideration at the stage of bail. Obviously, there was no occasion for the applicant, who is a public leader, to use such a derogatory language for the Prime Minister of the country abetting the mob to commit a crime. Supposedly, the public leader should be vigilant in using the words during their speech, which may distract the minds of his followers/spectators. Oftentimes, it is noticed that it has become a fashion of some public leaders to seek popularity of the followers without being caring for the consequence of deliverance. This practice is not only belittling the image of public leaders in the society but also becoming a cause of increase in criminality in the politics. It is not expected from the public leader to use foul language disparaging the image of leader of high-up-place, like President and Prime Minister and engendering consternation in the society. Thus, *prima facie* looking to the period of incarceration i.e. 13.12.2022 and the manner in which crime has been committed, the applicant cannot be granted bail inasmuch as it will give a wrong message to the society. The application is accordingly dismissed. However, the applicant is set at liberty to resuscitate the prayer of bail by filing application anew after a period of thirty days from today.

With the aforesaid liberty, application is dismissed.

Sudesh

