

FIR No. 243/2024
U/s 294/469/499/500/504/505 (1B) IPC & 67 IT Act
PS Special Cell
State Vs. Arun Kumar Bereddy

19.06.2024

Present: Sh. Bhaskar, Ld. APP for the State.
Accused produced after fresh arrest.
Sh. Kamran Khan and Sh. Omar Huda, Ld. Counsels for the
accused
IO Inspector Anil Kumar in person alongwith case file.

MLC perused. No external injury reported. Accused has been arrested on 18.06.2024 at 10:30 PM. His friend namely Girish Kumar has been informed about his arrest. Accused has been informed about the grounds of arrest.

An application seeking 03 days PC remand of the accused moved by IO. It is stated that accused has been arrested on the complaint of the complainant alleging posting of fake, morphed and misleading information and photos intending to malign the reputation of Hon'ble Prime Minister of India and impacting the morale of women deployed in Armed/Central Forces and friendly relations with other countries. It is stated that accused has concealed vital information despite sustained interrogation about the source of posts. It is further stated that custodial interrogation of accused is required to identify such type of posts and various social media channels from where he has taken for his use.

Ld. Counsel for the accused has argued that the accused has been arrested pursuant to political vendetta as the accused is the National Coordinator of Social Media, Congress Party and moreover the posts in question are old which pertain to year 2022-2023, hence there is no urgency which requires his custodial interrogation. It is further argued by Ld. Counsel for the accused that the accused has joined the investigation.

Arguments heard on the application. Record perused.

Upon enquiry from the IO with respect to the notice u/s 41A CrPC, he has submitted that notice was served upon the accused yesterday, when the

accused had come to the police station with respect to investigation in another case. Upon further enquiry, the IO has submitted that the notice was served at 08:30 PM. I have perused the notice u/s 41A CrPC given by the IO, as per which the accused was required to appear before the IO at 09:30 PM on the same day i.e. 18.06.2024. Thus, notice u/s 41A CrPC was a merely formality and has not been complied in letter and spirit. The accused must have been given the sufficient time to join the investigation, however, he was arrested by the IO at 10:30 PM. This is not a case where the accused has failed to join the investigation. Moreover, the offences in question u/s 294/469/499/500/504 IPC & Sec. 67 IT Act are bailable in nature. The only non-bailable offence invoked by the IO is Sec. 505 (1) (b) IPC, however, in view of the fact that the mobile phone of the accused has already been seized and the password has been provided, no further custodial interrogation is warranted.

Hence, I hereby dismiss the application seeking PC remand of the accused. Arrest of the accused is found to be illegal as no proper notice u/s 41A CrPC has been served. Hence, accused is admitted to bail on furnishing personal bonds of Rs. 50,000/- with one surety of like amount after verification of address of accused as well as Surety, subject to the following conditions;

- i) That he will join and cooperate in the investigation as and when called by the investigation officer.
- ii) He will appear regularly before the Court as and when directed.
- iii) He will not tamper with the evidence, influence any witness or hamper the investigation.
- iv) He will not indulge in any similar offence in future.
- v) He will not contact the complainant or any other witness in any manner.

Copy of this order be given *dasti*.

(Akanksha Garg)
Duty MM/New Delhi District/PHC
New Delhi/19.06.2024