

CrPC S. 438 – Bail – Posting on facebook account – The allegations against the petitioner are that she had posted about ‘referendum-2020’ on her facebook account and there is stated to be an audio recording of the petitioner being in conversation with co-accused. Its authenticity and evidentiary value would be determined at the trial. There is no reference to any act of violence (overt) which was actually committed by any of the accused in the instant case or that any individual had been harmed in the instant case. The petitioner is a lady with three minor children, one of whom is about one year and nine months old and is lodged with her in jail. The petitioner is in custody for over two years and three months. Challan has been filed but there is no likelihood of the trial being concluded soon. Article 21 of the Constitution of India provides right to speedy trial and long period of incarceration would be a good ground to grant bail to an under-trial for an offence punishable under the UAPA (Unlawful Activities (Prevention) Act, 1967) – Information Technology Act, 2000, Section 66F

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