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## For one and all

Instant protection of personal liberty must be the norm, and not dished out on priority basis

The Supreme Court has struck a blow for personal liberty, granting interim bail to television anchor Arnab Goswami through an order that one wished was also passed in the case of many others incarcerated without sufficient cause, and with the same priority, consideration and speed. The arrest of the garrulous supporter of the ruling party at the Centre by a regime in Maharashtra opposed to it did seem an unwanted exercise in law. The accusation that Mr. Goswami and two others abetted the suicide of an interior designer by denying him payments due to him was indeed something that could have been investigated and prosecuted, if evidence was found, without arresting them. It was always a good case for bail. However, it is not clear why the court did not allow the regular bail process to pave the way for their freedom. Mr. Goswami rushed to the Bombay High Court even before the Sessions Court could hear the matter. The High Court cannot be faulted for rejecting his bail request, as he had an effective alternative remedy in the form of a regular bail petition before the lower court. It is quite common for superior courts to ask remand petitioners to exhaust their remedy before lower courts first. Even those arrests in which political vendetta or misuse of power is quite demonstrable, the Supreme Court has granted bail only after courts below had dismissed them on merits.

In Mr. Goswami's case, the Sessions Court was due to hear his bail petition around the same time the matter was before the High Court. Therefore, it is somewhat strange that the petition was posted immediately for hearing and that interim bail, pending a reasoned judgment, should be granted on the same day. Further, Justice D.Y. Chandrachud's observation, "If we don't interfere in this case today, we will walk on a path of destruction," seems out of place in a case that clearly does not relate to Mr. Goswami's journalistic work. Surely, a scrutiny of why such consideration or sympathy has not been shown for others held mainly for their political beliefs or journalistic work is warranted. It is no idle whataboutery to point out that it was only recently that the apex court turned down a petition for bail on medical grounds for lawyer-activist Sudha Bhadravaj to the High Court with a gratuitous observation, "You have a good case on merits. Why don't you file a regular bail application?" One hopes the detailed judgment would shed light on the circumstances in which the Supreme Court can override regular bail hearings in lower courts; and on whether it is expected that magistrates and sessions judges should also grant same-day interim bail in appropriate cases. The Court's recent record of evading and postponing hearing on many matters concerning fundamental rights and constitutional questions that affect the rights of large sections of society is a veritable story of judicial abdication. It is somewhat galling to note that its gladiatorial zeal for personal liberty is demonstrated in so selective a manner.