

# Interim Bail to Podcaster-Influencer | 20 Feb 2025

Source: [Indian Express](#)

## Introduction

The Supreme Court recently granted interim protection from arrest to a podcaster-influencer facing multiple FIRs for comments made on a YouTube show. While providing this relief, the Court imposed notable conditions that have sparked debates about free speech limitations. The case highlights the ongoing tension between protection from arbitrary police action and restrictions on expression, particularly in the digital content space.

## What was the Petitioner's Plea in Current Case?

The petitioner approached the Supreme Court seeking:

- Clubbing of multiple FIRs registered against him in different jurisdictions.
- An interim order preventing his arrest.
- Relief under Article 32 of the Constitution for the enforcement of fundamental rights.
- Protection against the pattern of filing multiple FIRs in different jurisdictions for the same alleged offence.

## What was the Supreme Court's Order?

The Supreme Court imposed the following conditions:

- Stayed the FIRs registered in Jaipur and Guwahati, as well as any future FIRs on the same allegations.
- Allowed the petitioner to approach police for protection if threatened.
- Required the petitioner to deposit his passport to prevent leaving the country.
- Ordered that "the petitioner or his associates shall not air any show on You tube or any other audio/video visual mode of communication till further orders".

## What are the Bail Conditions Imposed by the Supreme Court?

- The Supreme Court stayed the FIRs registered in Jaipur and Guwahati against the podcaster-influencer.
- The Court extended protection against any future FIRs filed on the same set of allegations.
- The Court required the podcaster to deposit his passport to prevent him from leaving the country.
- A comprehensive gag order was imposed prohibiting the podcaster or his associates from airing any show on YouTube or other audio/visual platforms until further orders.
- The Court permitted the podcaster to approach police authorities for protection if he faced any threats.
- The Court noted a "vacuum" in online content regulation and sought the Attorney General's assistance for the next hearing.
- The bail conditions were imposed under Section 438(2) of the CrPC, which allows courts to direct conditional release.
- Unlike typical bail conditions that might require periodic police check-ins or monetary deposits, this case involved a broad speech restriction.
- The gag order has been characterized as unusual because it functions as a "prior restraint" on expression before it can take place.

# JUDICIARY

## FOUNDATION COURSE

Offline & Live Online | English & Hindi Medium

### Admissions Open

📍 Mukherjee Nagar

Free Demo Classes	Tailored Study Material
Regular Class Tests	Basic to Advanced Prep.

## Mohammed Zubair v. State of NCT of Delhi (2022)

- **Case Background:** In 2022, Alt News co-founder Mohammed Zubair approached the Supreme Court seeking protection from multiple FIRs registered against him across different states regarding his social media posts.
- **Bench Composition:** The matter was heard by a three-judge bench headed by Justice D.Y. Chandrachud, who later became the Chief Justice of India.
- **Government's Request:** During the proceedings, the Uttar Pradesh government specifically requested the court to impose a condition that Zubair be barred from tweeting while on bail.
- **Fundamental Reasoning:** The Supreme Court categorically rejected this request, stating that a person cannot be prevented from expressing opinions merely because previous expressions led to complaints.

- **Proportionality Principle:** The judgment emphasized the principle of proportionality, noting that bail conditions must be reasonably connected to ensuring the accused's presence during trial and should not excessively restrict fundamental rights.
- **Professional Consideration:** The court recognized that social media was integral to Zubair's professional work as a fact-checker, and barring him from the platform would interfere with his livelihood.
- **Doctrinal Stance:** The ruling established a clear doctrinal position against prior restraint, stating: "A blanket order directing the petitioner to not express his opinion — an opinion that he is rightfully entitled to hold as a citizen of India — would be disproportionate to the purpose of imposing conditions on bail."
- **Legal Impact:** The judgment set an important precedent by explicitly characterizing such restrictions as "gag orders" that produce a "chilling effect on freedom of speech."
- **Constitutional Framework:** The court grounded its decision in Article 19(1)(a) of the Constitution, which guarantees the right to freedom of speech and expression, subject only to reasonable restrictions under Article 19(2).
- **Two-fold Violation:** The judgment determined that a gag order would constitute a dual violation - infringing both on Zubair's freedom of speech and expression, and separately on his freedom to practice his profession.
- **Cautionary Approach:** The court cautioned against judicial overreach in imposing bail conditions that go beyond ensuring the proper administration of justice, particularly when they impinge on constitutional freedoms.
- **Broader Implication:** This ruling has become a touchstone in subsequent cases involving social media expression, establishing that bail conditions should not function as de facto punishment through speech restriction before conviction.

### What is Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 ?

- Section 482 of BNSS deals with Direction for grant of bail to person apprehending arrest.
- **Application Jurisdiction:**
  - Only the High Court or Court of Session has the power to grant anticipatory bail
  - The person must have reasonable belief of being arrested for a non-bailable offence
- **Nature of Direction:**
  - The court may direct that the person shall be released on bail in the event of arrest
  - The direction is discretionary ("if it thinks fit")
  - It must be based on the specific facts of each case
- **Conditions for Bail:**
  - The court can impose conditions including:
    - Making oneself available for police interrogation when required
    - Not influencing or threatening witnesses
    - Not leaving India without court permission
    - Any other conditions applicable under Section 480(3)
- **Post-Direction Arrest Procedure:**
  - If arrested without warrant, the person shall be released on bail upon readiness to furnish bail
  - If a Magistrate decides to issue warrant, it must be a bailable warrant in conformity with the court's direction
- **Exceptions:**
  - The section does not apply to:
    - Cases under **Section 65** of Bharatiya Nyaya Sanhita, 2023 (likely corresponding to serious offences)
    - Cases under **Section 70(2)** of Bharatiya Nyaya Sanhita, 2023

### Conclusion

The Supreme Court's decision attempts to balance protection of individual rights against potential harm from controversial content. However, the broad restriction on creating any content raises significant free speech concerns, particularly in light of previous Supreme Court precedent against "gag orders" that could have a chilling effect on expression. This case may become pivotal in developing jurisprudence around digital content regulation and conditional bail requirements.