

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.05.2020

THE HON'BLE MR.JUSTICE T.RAVINDRAN

CRL.OP.NO.7473 of 2020

1.Balaji

2. Arumugam Petitioners/Accused 1& 2

Vs.

The State,

Rep by Inspector of Police,

Panruti Police Station,

Panruti

Cuddalore District,

(Crime No.231/2020)

..... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C. to enlarge the petitioners herein on Anticipatory bail in the event of arrest in Crime No.231 of 2020 on the file of respondent.

For Petitioners : Mr.T.Dharani

For Respondent : Mr.T.Shunmugarajeswaran,

Public Prosecutor.

ORDER

Apprehending arrest for the offences punishable under sections 505(1)(b), 507 IPC read with section 66 of Information Technology Act, 2000, on the file of the respondent police, the petitioners have come forward with the petition seeking for Anticipatory Bail.

2. Briefly stated, according to the prosecution, the petitioners knowingly and with a deliberate intention, fraudulently/ dishonestly, shared false information in the whatsapp group by name “Melkumaramangalam” particularly as against the Minister of Industries by printing his picture alleging that the Minister is missing and thereby attempted to create unrest, fear and panic amongst the public and thus, they had committed the offences levelled against them.

3. According to the petitioner’s counsel, the case had been falsely foisted against the petitioners by the defacto complainant on account of the political vengeance and further, it is stated that the petitioners have not committed the offences put forth against them and the petitioners are ready to cooperate with the investigation and abide with the conditions that may

be imposed by this Court and accordingly, prayed for the relief sought for by them.

4. Per contra, according to the learned Public Prosecutor, the petitioners have deliberately shared distorted message through the whatsapp group alleging false materials against the Minister of Industries during the Covid-19 pandemic period with a view to create unrest, panic and fear amongst the public. Further, it is put forth that the investigation is still pending, the materials used for the commission of the offence have to be collected and the custodial interrogation of the petitioners is also essential and therefore, prayed for the dismissal of the petition preferred by the petitioners.

5. Considering the nature of the accusation levelled against the petitioners, particularly, when they themselves have admitted in para 4 of the petition that the message which had been spread by them in the whatsapp group had caused annoyance to the defacto complainant and also had brought down his image in the society or within the members of the whatsapp group and when it is alleged that the petitioners knowing fully well that the message that they had circulated/published is a false

information and dishonestly/fraudently had conveyed the same in the whatsapp group with the view to cause panic and fear amongst the members of the society and in such view of the matter, considering the stage of the investigation and as rightly put forth by the public prosecutor, as the materials involved in the offences have to be collected and the need of the custodial investigation of the petitioners is essential, in such view of the matter, I am not inclined to grant the relief sought for by the petitioners.

6. In the light of the abovesaid reasons, the criminal original petition is dismissed.

08.05.2020

Index : Yes/No

Internet : Yes/No

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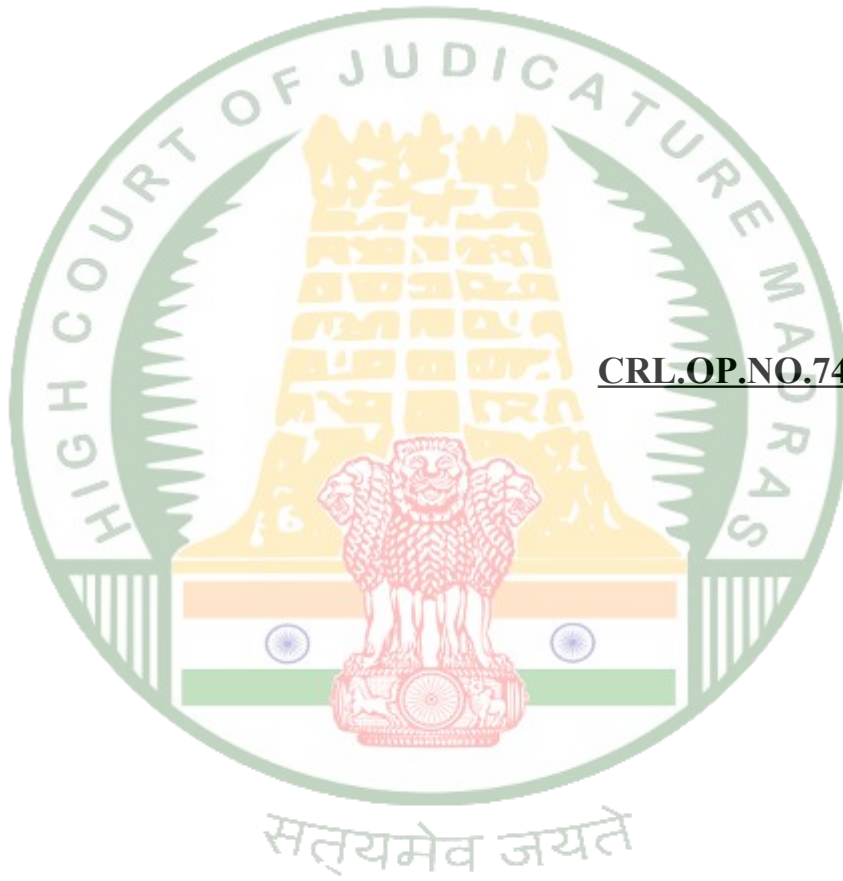
To:

1. The Inspector of Police,
Panruti Police Station, Panruti,
Cuddalore District,
(Crime No.231/2020)

2. The Public Prosecutor, High Court, Madras.

T.RAVINDRAN,J

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