



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 01/07/2020

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PRESENT

**The Hon`ble Dr.Justice G.JAYACHANDRAN**

CRL OP(MD) . No.6879 of 2020

Ravi Ranjan Sinha

... Petitioner/Accused  
Rank Not Known

Vs

1. The Superintendent of Police,  
Collector Complex,  
District Police Office,  
Sivaganga HO,  
Sivagangai District - 630561.

2. The Inspector of Police,  
Police Station Karaikudi North,  
Sekkalai,  
Sivagangai District 630003.

... Respondents/Complainants

For Petitioner : M/s.V.Elanchezhiyan,  
Advocate.

For Respondent : Mr.A.Natarajan, State Public Prosecutor  
Assisted by Mr.S.Chandarasekar,  
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

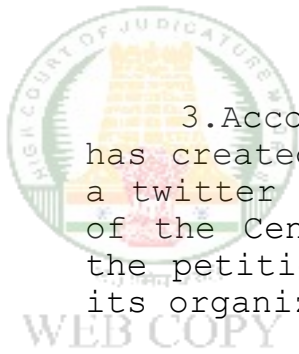
**PRAYER :-**

For Anticipatory Bail in Crime No.705 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned State Public Prosecutor appearing for the respondent.

2.Based on the complaint given by one Suriyanarayanan, State Public Relation Officer of RSS Organization, a complaint has been registered against this petitioner for the offences punishable under Section 505(ii) of I.P.C., Section 66(C) of Information Technology Act, 2000 and Section 3 of Police (Incitement to Disaffection) Act,



3. According to the de-facto complainant, the petitioner herein has created a twitter account in the name of RSS\_For India and sent a twitter message, as if there is rival among the higher officials of the Central Armed Police Force (CAPF). The twitter message of the petitioner by using the name of RSS and the insignia unique to its organization dishonestly incite disharmony among armed forces.

4. The petitioner herein seeks anticipatory bail on the ground that he is working as Assistant Commandant in CRPF-70<sup>th</sup> Battalion, New Delhi. He is peace loving and law abiding citizen and his native place is at Bihar. The First Information Report registered against him at Sivagangai, Tamil Nadu, is grossly misconceived and mistake of fact. Hence, he has also preferred a petition to quash the First Information Report. While so, he has received a summon under Section 41(A) of Cr.P.C., for appearance before the Inspector Karaikudi North Police Station on 06.07.2020 or to surrender before the competent Judicial Magistrate of First Class.

5. Claiming that the complaint is abuse of process of Court, the petitioner contends that the message which is diverted and circulated from his twitter account, is a reply to the fellow colleagues twit as a cadre of Central Armed Police Force (CAPF). He has expressed his aspiration and thought in the twitter. His right of expression and thought cannot be curtailed by individuals or by the de-facto complainant.

6. The petitioner admits that he has opened a twitter account in the name of RSS\_For India. He say, the twitter rules, terms and conditions do not prohibit using the said name. There is no legal impediment to operate a twitter account and express views. Being a valid license holder to twit he is protected with right of expression and it is his response to the twit of one NC.Asthana, a retired IPS Officer and by no stretch of imagination, it could be termed as a statement promoting enmity or hatred or ill-will between classes.

7. The learned counsel appearing for the petitioner would also submit that the de-facto complainant has no locus to give this complaint and he does not fall within the meaning of Section 196 of the Code of Criminal Procedure.

8. Mr. A. Natarajan, learned State Public Prosecutor appearing for the State, would contend that use of the word RSS by the petitioner itself to malign the organization. The message as propagated by the petitioner, is to create disharmony among forces. The name of the RSS has been *malafidely* used by the petitioner to convey wrong informations in respect of RSS and thereby, caused disrespect to the organization as well as disharmony among community. He would further submit that the petitioner has been summoned under Section 41(A) of Cr.P.C., to appear and participate in the enquiry. He need not shy



petition, if really he had no *malafide* intention or hidden agenda in making such comments in social media.

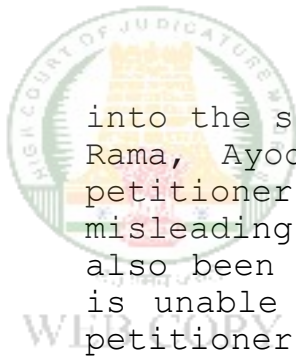
9.The petitioner herein admits that there is brewing discontent among the cadres of the Central Armed Police Force (CAPF) and retired IPS Officer regarding organization of Central Group-A Services. In that chain of tweet, the petitioner herein has responded in hindi, which has been translated by himself in the petition as below:-

*"Just as after a long legal struggle, the path of the grand temple of Lord Sri Rama in Ayodhya has been paved, so will justice be done with #OGASTOCAPF. Truth can be troubling, not defeated. It is possible if Modi is there, Jai Shree Ram."*

10.The petitioner though contends that his tweet has nothing to do with the de-facto complainant organization and it is only in connection with some promotion issues among the armed force, the context of the petitioner's tweet is having a different meaning and sense. Using the name of RSS which has affinity to the particular religion and party, using the name of Lord Sri Rama, Ayodhya and the name of the Prime Minister, clearly indicate the ill-intention of the petitioner. The de-facto complainant who being the office bearer of the RSS, has given a complaint of cognizable offence. Based on that petitioner is summoned to appear and participate in the enquiry. After posting incriminating statement in his tweet, he cannot shy away from participating in the enquiry. The ramification of the petitioner's tweet using the name of RSS, Lord Sri Rama, Ayodhya and Modi, cannot be slighted away by reading it in isolation.

11.This Court without any doubt agree with the learned counsel for the petitioner on the point that the petitioner have a fundamental right of expression. Also, a twitter license terms and conditions does not prohibits opening of account in pseudonym. But, if anybody spread message under the garb of freedom of expression and thought, not in his name but in a pseudonym resembling somebody else and if the content of said message is objectionable, the culpability of spreading objectionable content in pseudonym will be the inference.

12.Like passing off in the field of trade and impersonation in the real world, the use of fake or pseudo identity resembling celebrities or organization in the virtual world is punishable under Section 66(c) of IT Act. The petitioner claims, it is a message tweeted in response to the tweet of one NC.Asthana in connection with service condition in Armed Force. Whereas, the message tweeted by the petitioner gives an impression to the viewers that RSS is supporting one Group in CAPF. Apart from dragging RSS



into the said controversy, the petitioner has also dragged, Lord Sri Rama, Ayodhya and the Prime Minister. The address used by the petitioner [RSS\_For India] and the message are deceptive and misleading. The unique identification feature of RSS organization also been dishonestly used by the petitioner. Therefore, this Court is unable to accept the submission of the learned counsel for the petitioner that the complaint is ill-conceived.

13.From the submission of the learned State Public Prosecutor, it is clear that the respondent have caused summons to the petitioner under Section 41(A) of Cr.P.C., to appear and participate in the enquiry. If the petitioner comply with the notice, there will be no necessity to arrest him.

14.Taking note of the status of the petitioner, it is expected that the respondent police shall act in accordance with Section 41 (A) (3) of Cr.P.C., and other provisions governing interrogation and investigation. Hence, the Criminal Original Petition stands dismissed.

sd/-  
01/07/2020

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/ /2020  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

**Note :** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE SUPERINTENDENT OF POLICE, COLLECTOR COMPLEX,  
DISTRICT POLICE OFFICE, SIVAGANGA HO,  
SIVAGANGAI DISTRICT - 630561.
2. THE INSPECTOR OF POLICE,  
POLICE STATION KARAIKUDI NORTH,  
SEKKALAI, SIVAGANGAI DISTRICT 630003.
3. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN  
CRL OP(MD) No.6879 of 2020  
Date :01/07/2020

MS/PN/SAR-3/06.07.2020/4P.4C

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