

CRL. O.P. NO. 12604 OF 2020
AND
CRL. M.P. NOS. 5160, 5161 & 5333 OF 2020

M.DHANDAPANI, J.

The present petition has been filed by the petitioner apprehending arrest at the hands of the respondent police for the alleged offence u/s 509 IPC @ Sections 354-D and 509 IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.

2. It is the case of the petitioner that due to pressure from the Media, the petitioner is being falsely implicated in this case on the premise that through his Facebook and Twitter accounts, the petitioner had spread fake and scandalous news against women, more especially women belonging to the Media. It is the further case of the petitioner that a false case has been registered against him and the petitioner was taken to the office of the Commissioner of Police and his mobile phone was taken over for verifying his Facebook and Twitter accounts and that the petitioner and his parents are being continually harassed by the respondent and, therefore, the present petition has been filed seeking anticipatory bail.

3. On filing of the above petition for anticipatory bail and when the matter was taken up on 27.08.20 and subsequent dates, on behalf of persons, who are alleged to have been harassed by the petitioner through various media posts, represented through respective counsel seeking permission to file intervening application and, therefore, the matter was adjourned on various dates. Accordingly, the matter was adjourned and accordingly, three intervening petitions have been filed.

4. On notice, the respondent has filed a counter affidavit, in essence submitting the gist of the case as placed before it in the complaint filed by the defacto complainant. It is further averred in the counter that the petitioner is a habitual offender and that there are five cases of similar nature pending against the petitioner and the petitioner is usually in the habit of posting filthy and derogatory posts against women with a view to gain cheap publicity.

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5. Learned counsel appearing for the petitioner submitted that the petitioner is a law abiding citizen and has fully cooperated with the respondent

even to the extent of providing his mobile phone for analysis of his Facebook and Twitter accounts. It is the further submission of the learned counsel for the petitioner that even after the petitioner cooperating with the respondent in the enquiry, he is frequently being harassed by the respondent and, apprehending that he may be arrested, the present petition has been filed for anticipatory bail.

6. In view of the fact that women have been alleged to have been targeted by the petitioner through various scandalous and derogatory tweets towards which intervening applications have been filed, this Court, in the interest of justice and in view of the fact that the issue in question relates to women, who have come before this Court to voice out their grievance, is of the considered view that the intervening applications have to be allowed. Accordingly, the intervening petitions are allowed.

7. This Court heard the learned Addl. Public Prosecutor appearing for the respondent and also the learned counsel appearing for the respective respondents, who vehemently opposed the grant of anticipatory bail to the petitioner. It was the collective submission of the learned counsel that the

petitioner has outraged the modesty and dignity of the women and has painted the working women in bad light through his derogatory posts, which posts have painted a black and bleak picture of women in the eyes of the general public. In support of their contention very many decisions have been pressed into service.

8. This Court paid its undivided attention to the submissions advanced by the learned counsel appearing on either side and also perused the materials available on record.

9. Though very many decisions have been placed before this Court by the intervening petitioners, however, in view of the fact that the present petition relates to anticipatory bail and this Court is required to look into the same and *prima facie* arrive at a decision based on the materials available on record, at the present point of time, as to the culpability of the petitioner in the commission of the offence.

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10. A bare perusal of the complaint reveals that several posts have been made by the petitioner on his Facebook and Twitter accounts denigrating and

demeaning the modesty of women. The posts, which are in vernacular in Facebook and Twitter, reveals that the petitioner has made such of those statements targeting the defacto complainant. Even a bare reading of the said posts leaves a sour taste in the mouth of this Court, as those statements are overly derogatory in nature and it demeans, the modesty and chastity of the women folk.

11. It is to be pointed out that our country is a land where women are worshipped and are held in utmost reverence. But, day-in and day-out, the way in which the women folk are treated, reveals that the the way in which the women were looked at has withered from the sense of the citizens and they are not given the requisite space, which are necessarily theirs, not only on the basis of the constitutional guarantees, but also on the basis of individuality and equality, which has been the hallmark of the Indian society. The Courts throughout the country, which have, time and again, deprecated the practice of demeaning women in the eyes of general public.

12. As pointed out above, a perusal of the alleged posts in the Facebook

and Twitter accounts of the petitioner clearly reveals that the petitioner has scant regard for the women folk and the posts of the petitioner reveals the crooked and vulgar mind of the petitioner in posting tweets, which outrage the modesty of women.

13. The petitioner, by filing the present petition, seeks anticipatory bail, from arrest by the respondent against his dishonourable and wicked act of portraying the defacto complainant rather badly in the public domain. It has been oft said that the essence of a woman's modesty is her sex. The culpable intention of the petitioner is the crux of the matter and the reaction of the general public in this regard is very relevant and so also that of the woman against whom such scandalous posts are made. Modesty is an attribute associated with female human beings and it is a virtue which attaches to a female owing to her sex. The act of the petitioner in posting the alleged posts not only portrays his devious mind towards the persons of opposite sex, but his intention is also writ large on posting such materials against women, more especially the women folk in media, which creates not only insecurity for such of those individuals, but also acts negatively against the freedom of equality to

women enshrined in the Constitution.

14. It would not be out of context for this Court to draw reference to the order passed in Crl. O.P. No.34166/2019, wherein, this Court had already directed the Director General of Police to constitute special cyber cell teams to track offenders, who not only post such inhuman posts against the high officials, but also the common man, pursuant to which such cells have been formed in the different Districts. The present case is one such incident, which happens day-in and day-out in the growing technological arena, where scant regard and respect is given to an individuals identity and privacy. Privacy of an individual is eroded by persons, who seldom bother about the turmoil that would be faced by the individuals who incur the wrath of the unscrupulous persons, who post such scandalous posts, without any rhyme or reason. If the Courts entertain petitions of this nature and grant anticipatory bail, it would send a wrong signal to the society that an individual can get away with anything and everything, even if it harms and affects the morale and privacy of an individual. The Temple of Justice is bound to see that the scales are balanced and not to succumb to the crocodile tears of such petitioners, who have scant respect to the rule of law.

15. Further, it is to be pointed out that grant of anticipatory bail may hamper proper and effective investigation and, therefore, extra care and caution should be taken while dealing with the application for grant of pre-arrest bail. Demand of individual liberty has to be tested with the larger interest of the public and the courts shall not, as a matter of routine, grant anticipatory bail.

16. In the case on hand, as pointed out above, the posts of the petitioner in his Facebook and Twitter pages leaves much to be said. Further, it is to be pointed out that it is not the claim of the petitioner that he has not posted the said postings and that his Facebook and Twitter accounts have been hacked. In spite of the postings, the petitioner, without any remorse has come before this Court for grant of anticipatory bail and in the above backdrop of the facts as unfolded, the relief sought for by the petitioner, could never be acceded to. The larger interest of the opposite party as also the interest of the general public outweighs the liberty of the petitioner and, therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

17. For the reasons aforesaid, this petition is devoid of merits and, accordingly, the same is dismissed. Consequently, connected miscellaneous petitions are also dismissed.

27.04.2021

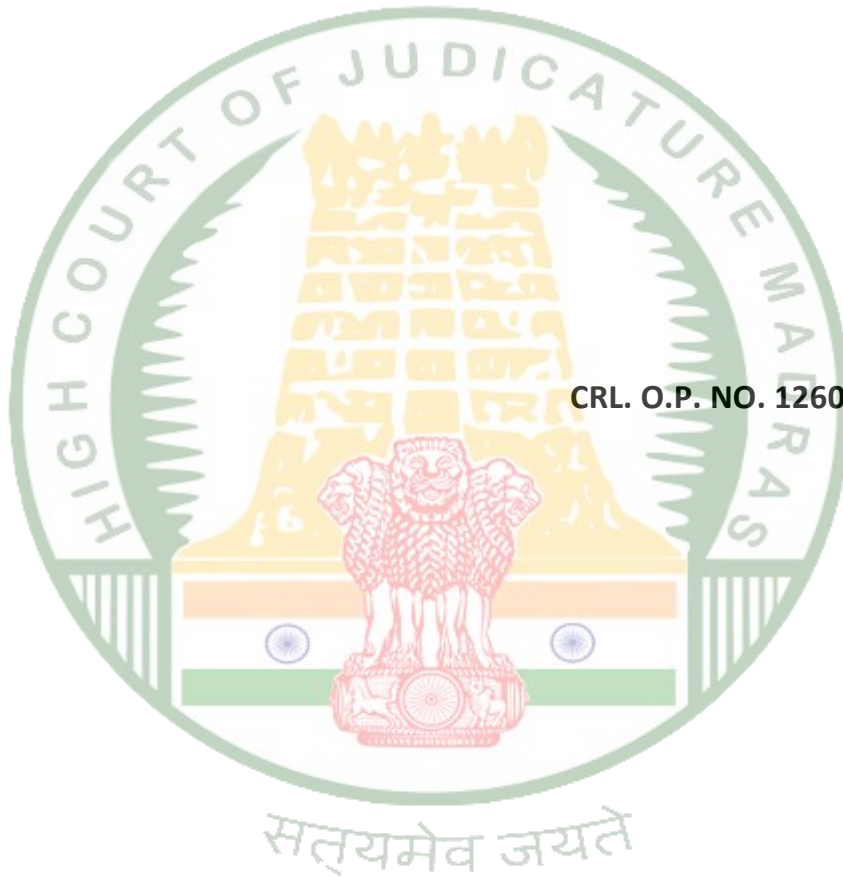
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