



Crl.OP.No.26670 of 2022

A.D.JAGADISH CHANDIRA, J.

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 153(A), 504, 505(1)(a), 505(1)(b) and 505(2) IPC in Crime No.5 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, one M.Suresh, Advocate is that on 21.10.2022, he had watched the Youtube content in the website with the address "<https://youtu.be/-fXcrRQYTOk>" titled as ***"30 days of Savukku Shankar in Prison - Judiciary is Corrupt - Activist Geetha Sensational Interview"*** wherein an interview with one Geetha, claiming herself as an Advocate, Industrialist and Educationalist, who had expressed highly derogatory and defamatory allegations against politicians in power, retired Judges, sitting Judges and also members of the legal profession was posted. Finding the derogatory and defamatory nature of the interview which intends to promote enmity between groups prejudicial to maintenance of harmony whereby any person may be induced to commit an offence against the State or against the public tranquility, the de facto complainant had lodged the complaint, based on which, a case has been registered for the offences punishable under Sections 153(A), 504,



505(1)(a), 505(1)(b) and 505(2) IPC in Crime No.5 of 2022 for having indulged into the activities of posting Youtube contents with derogatory and defamatory allegations to bring disrepute to the politicians in power, retired Judges, sitting Judges and members of the legal profession and thereby promoting enmity among the public by misleading them and instigating them against the Government.

3. Learned counsel for the petitioner would submit that the petitioner is a journalist employed in a Tamil News Youtube Channel called Red Pix 24x7 doing his job within the legal parameters, without any adverse remarks and as a part of such course of action, he had recently interviewed a guest and recorded the same in accordance with the procedures and regulations, without any motive, and the guest had discussed the current affairs, politics, women's issues and corruption and in the course of the interview, she, on her own volition, had referred to the names of some high-level dignitaries and made certain remarks and such remarks were not known to the petitioner and they were unexpected. He would further submit that later, on coming to know that the interview was uploaded in the internet and it carries false allegations, he himself had blocked the same and made it as 'private' so that it is not open to be viewed by public. He would further



submit that the petitioner, as an interviewer, has no role, whatsoever, in the reference and remarks made by the said guest. The learned counsel, without prejudice, would submit that none of the affected persons, against whom, the defamatory and derogatory allegations are said to have been made, has made any complaint to the respondent so far and the complaint has been registered only based on a complaint by an Advocate, who does not fall within the category of "aggrieved person". He would also submit that the petitioner expresses his regret for his act and is ready to file an Affidavit of Undertaking before the learned Magistrate concerned that in future, he would avoid uploading controversial and objectionable/disputed content in social media and he prays for grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) would submit that the petitioner is running a Youtube Channel in the name 'Red Pix' and he had interviewed a person by name Geetha (A1) claiming to be an Advocate and Educationalist and during the course of the interview, the said person has made some derogatory and defamatory allegations against the politicians in power, retired Judges, sitting Judges and members of the legal profession. He would further submit that on a complaint by the de facto complainant, who happened to be an Advocate and viewed the Channel, a



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case has been registered and the petitioner was summoned for an enquiry by issuance of notice under Section 41-A of Cr.P.C., however, he is absconding and is not available in his residence. He would further submit that only on the complaint made by the respondent police, the abusive content has been removed from the social media. He would further submit that the petitioner has uploaded the interview with statements promoting enmity, hatred ill-will between classes in Youtube Channel and thereby sought to promote enmity between different groups of people and did acts prejudicial to maintenance of harmony with intent to cause fear or alarm to the public inducing them to commit an offence against the State and the public tranquility.

5. Heard the learned counsel for the parties.

6. The allegation against the petitioner, who is arrayed as A2, is that he had interviewed a person claiming to be a social activist, who had made some derogatory and defamatory allegations against the politicians in power, retired Judges, sitting Judges and members of the legal profession and uploaded the said interview containing statements promoting enmity, hatred ill-will between classes in Youtube Channel and thereby sought to promote enmity between different groups of people and did acts prejudicial to maintenance of harmony with intent to cause fear or alarm to the public



inducing them to commit an offence against the State and the public tranquility. Further, it is stated that the respondent has attempted to serve notice under Section 41A Cr.P.C. on the petitioner.

7. It is painful to note that of late, the Judiciary is also being berated by anybody, claiming themselves as vigilante, **under the guise of freedom of speech and expression**, taking advantage of the assumed liberalization of social media. Still, considering the fact that the petitioner had no bad antecedents and that he has agreed to file an Affidavit of Undertaking to the effect that he would not indulge into such controversial activities in future, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner shall be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the *learned Chief Metropolitan Magistrate, Egmore, Chennai* on condition that each of the petitioner shall execute bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition



for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police at 10.30 a.m., on all working days for a period of two weeks and thereafter on every Saturday at 10.30 am until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall file an Affidavit of Undertaking before the Chief Metropolitan Magistrate, Egmore, Chennai that in future, he would avoid uploading controversial and objectionable content in social media.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner was released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

1.11.2022.

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