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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 30.11.2022.

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THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Criminal Original Petition No.27284 of 2022

K.S.Gita

..Petitioner

vs.

The Assistant Commissioner of Police,
Cyber Crime Wing,
Police Training College,
No.3, Dr.Natesan Road,
Ashok Nagar, Chennai 600 083.
(Crime No.5 of 2022)

..Respondent

Criminal Original Petition filed under Section 438 Cr.P.C. seeking to enlarge the petitioner on bail in the event of arrest in Crime No.5 of 2022 on the file of the respondent police pending investigation.

For Petitioner : Mr.K.Arvind

For Respondent : Mr.S.Rajakumar, APP

ORDER

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



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2. The factual background as elicited from the petition and the submissions of the learned counsel for the petitioner and the learned Additional Public Prosecutor is as under:-

On 21.10.2022, one M.Suresh, Advocate 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 the petitioner, 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 against the



present petitioner and one Felix Gerald, who had interviewed the petitioner, 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. Hence, the case.

3. Such being the factual position, the petitioner, has come up with the present petition seeking anticipatory bail with the following contentions:-

i) The petitioner is a senior citizen aged about 68 years and is the Chief Correspondent of a leading Women's College in Coimbatore and a social activist. She had been a member of All India Child Welfare Board. She had done her graduation in Law.

ii) The petitioner is facing an allegation that she had given an interview to a Youtube Channel named Red Pix about corruption in the constitutional institutions and thereupon, the respondent police had filed the complaint.

iii) The co-accused has been granted anticipatory bail by this court in



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Crl.O.P.No.26670 of 2022 (Felix Gerald vs. Assistant Commissioner of Police) on 1.11.2022.

iv) The petitioner is an innocent and she had, without any grudge or malice against any one, expressed her opinion in social media regarding the functioning of constitutional members and law enforcement agency.

v) Subsequently, the video content has also been removed at the instance of the respondent police.

vi) The petitioner is a law abiding person and she is willing to abide by any conditions to be imposed by this court for grant of anticipatory bail and she is willing to co-operate for the enquiry and thereby, she craves for grant of anticipatory bail.

4. Heard the learned counsel Mr.K.Arvind appearing for the petitioner and Mr.S.Rajakumar, learned Additional Public Prosecutor appearing for the respondent on the issue at length.

5. The transcript of the interview was handed over for perusal.

6. The petitioner claims to be a responsible person having achieved in various fields and that too she is a law graduate and the Chief Correspondent of a reputed Women's College. Having shocked and



astonished over the attitude of the petitioner this court appraised, the counsel for the petitioner about impact of the interview given in reckless manner and in turn, on instructions, from her the learned counsel submitted that the petitioner had realized her mistake and that she intends to appear in person and seek apology for her act and file an affidavit seeking pardon from persons mentioned in the interview and thereby the case was posted today.

7. Today, when the matter was taken up, the petitioner had appeared in person and expressed her remorse for the callous remarks she had made in the Media. She had also filed an Affidavit dated 30.11.2022 in this regard, the contents of which are reproduced hereunder:-

"I, K.S.Gita, daughter of Late K. Subbiah, hindu, aged about 68 years and residing at New No.195, St. Mary's Road, Alwarpet, Chennai-600 018, do hereby solemnly affirm and sincerely state as follows :

1. I submit that I am a senior citizen, aged about 68 years, daughter of late K.Subbiah (founder chairman of Pioneer Steel & alloy Castings Pvt Ltd). I submit that I was



the ex-Managing Director of Pioneer Alloy Castings Limited registered under Companies Act 1956 (now defunct). The original promoter of the Company being my father Late K.Subbiah, and who had successfully done business of the firm with 2500 employees and the record gross annual turnover being Rs.30+ crores.

2. I submit that currently I am the Correspondent of a leading College in Coimbatore. I am also a social worker and activist and have been member of All India Child Welfare Board .

3. I submit that I had applied for an anticipatory bail before the Hon'ble Madras High Court in Crl. O.P.No.27284/2022 wherein the Respondent Police (Police Training College, Cyber Wing) had registered an FIR in Cr. No.05/2022. The crux of the allegation in the said FIR is that I had spoken on 15.10.2022 in an interview on an Youtube channel named Red Pix about corruption in the constitutional institutions and that there must be a forum for



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*general public to meet honest constitutional members to voice their concerns. I submit that the crux of the Netcast & edited conversation in REDPIX between the proprietor Mr.Felix and myself was all about the arrest of Savukku Shankar — if his arrest was justified for him addressing the topic of corruption — particularly in the Judiciary. As for initially the mention of names of two sitting Judges of Madras High Court, namely ****, I had made the reference in context where their names were misused in past and recently by mediators and touts posing as advocates and trying to negotiate a deal for a huge consideration. The hasty conversation in this edited Netcast discussion could have well been misunderstood and I stand re-affirmed that I was only referring their names in context of honest Judges' names being tarnished by touts and mediators.*

4. I submit that there are instances wherein I have been careless in allegations of corruption in the Judiciary — particularly in Tamil Nadu. I would submit that in the



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course of the conversation and exchange of views with the REDPIX channel proprietor FELIX , I had got carried away and made some scathing and careless comments on the certain judicial law members which later I realized was unwarranted,

5a. I deeply regret and apologize for the same. The said hasty remarks is more explicitly mentioned at around mid-way of the 41 - odd minutes of the youtube netcast channel Redpix. It had reference to:

*a) ******

*b) ******

5b. I deeply regret that I had erred in hastily mentioning about them with public rumors about their private life. I understand I should have refrained from such comment and must have been circumspect of stating the same. I had later come to know that many of their judgments have landmark citations and had major social positive impact. I deeply feel the remorse for the



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irresponsible and hasty act of mine — moreso in attributing false charges on certain sitting Judges. I hereunder tender my sincere and heartfelt apologies for this unfortunate discussion show on Youtube very mischievously labeled (without my consent) as “Judgments can be bought by giving money and women”.

6. I humbly submit that such uncalled for and callous remarks in media, particularly about the Judiciary & Judges is detrimental to our healthy and robust Indian judicial system. Being a Correspondent of an educational Institution, I realize that I have to be more responsible and ascertain facts before making any allegations in the Public —lest the unvermed and fake news in all respect may even damage the personal and family life of the Sitting Judges. I take complete responsibility for the general outage and discontent spread in commune of advocates/Judiciary . I now realize that the act was irresponsible and that it could have been totally avoided - though there was no motive in



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my outspokenness. If given opportunity to meet personally the Judges mentioned, I will be in a position to explain my carelessness and seek pardon and express my apologies and sincerely seek forgiveness.

7a. I submit that personally, I have great respect for our Indian Judiciary system. As an advocate myself (though not practicing now) I recollect reading very interesting and insightful judgments made by our robust and mature Judiciary. In other words, as an advocate, I realize now that I have a duty to Protect the real image of our Judiciary - the strongest pillar of democracy. More importantly, the freedom of speech must not become the freedom to abuse; and as an advocate, I understand that I must play a more constructive role and dispel wrong notions in general public about our Judiciary.

7b. Also a mention has been made about the current Chief Minister of Tamil Nadu and his family being corrupt. I regret that the same was done hastily. I submit before this



further submitted that she would not indulge into such activities in future.

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9. It must be borne in mind that "freedom of speech" has its adjoining limitations and it can never be presumed to be absolute. If it is sought to be considered as an absolute one, then, it would mislead and make the entire administrative and judicial system of the country as a mockery.

10. Though the petitioner had made derogatory and defamatory allegations against politicians in power, retired Judges, sitting Judges and also members of the legal profession in the interview she had given, now, this court feels that she must have realized her responsibility and the present Affidavit tendering apology is the outcome of such realization. The video content has also been removed from the Youtube at the instance of the respondent police.

11. Considering the fact that the petitioner is a senior citizen, having much concern for the society as a social activist and that she had deeply regretted and apologized for her stinging comments in the social media, this court is inclined to grant anticipatory to her with certain conditions, however, with a warning that she must realize her responsibility while expressing anything in public in future.



12. 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, she would avoid giving controversial and objectionable speech to media or public.

[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.

The Criminal Original Petition is ordered accordingly.

30.11.2022.

Index: Yes.
Internet: Yes.
ssk.

Note:-

The Affidavit dated 30.11.2022 filed by the petitioner tendering apology shall be kept in a sealed cover in safe custody of the Registrar General.

To

1. Chief Metropolitan Magistrate,



Egmore, Chennai.

2. The Assistant Commissioner of Police,
Cyber Crime Wing,
Police Training College,
No.3, Dr.Natesan Road,
Ashok Nagar, Chennai 600 083.
3. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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Crl.O.P. No.27284 of 2022

30.11.2022.