



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 22.6.2023.

CORAM

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

Crl.OP.No.8071 of 2023

Shubham Shukla

Petitioner

vs.

The State rep. by
The Inspector of Police,
Cyber Crime Police Station,
Krishnagiri District 628 001.
Crime No.7 of 2023

Respondent

Criminal Original Petition filed under Section 438 Cr.P.C. seeking to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in Crime No.7 of 2023 on the files of the respondent police.

For Petitioner : Mr.D.Saikumaran

For Respondents : Mr.N.S.Suganthan,
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 153, 153A and 505 (1)(b) of IPC in Crime No.7 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the accused had tweeted a false message stating that the Deputy Chief Minister of Bihar had



dinner with Chief Minister of Tamilnadu, while the Bihari People were killed by Tamil People for speaking Hindi which was done with an intention to promote enmity and hatred between the States. Hence, the case.

3. Learned counsel for the petitioner would submit that the petitioner is a resident of Madhya Pradesh and a student of Makhanlal Chaturvedi National University of Journalism and Communication at Bhopal. He would further submit that the petitioner is active in the social media and that based on certain news flashed on 02.03.2023 in reputed newspapers like Hindustan Newspaper and Dainik Bhaskar, he had tweeted such a message. Later, he came to know that the message was a false one, had deleted the message immediately and he has also filed an Affidavit of apology expressing his regret for having done the same. He would further submit that the petitioner also undertakes that he would not indulge in such kind of activities again and being a student in Journalism, due to over enthusiasm, he had done that and thereby he would seek anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) would submit that the petitioner, by making a false tweet, made false propaganda and created a panic situation in Bihar as well as Tamil Nadu and the tweet had created enmity between groups endangering to the life of citizens both in Bihar as well as in Tamil Nadu and it was intended to



create linguistic riot and thereby he would oppose for grant of anticipatory bail to the petitioner.

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5. At this juncture, the learned counsel for the petitioner would submit that the petitioner is a student and if he is arrested, his entire career would be spoiled and taking into consideration, the affidavit of undertaking anticipatory bail may be granted and he would submit that the petitioner is ready to abide by any stringent condition that may be imposed on him.

6. Heard both sides and perused the materials available on record including an FIR.

7. The petitioner claims to be a student in Journalism. Still, without realizing the consequences of his act, it appears that he had re-tweeted the original post he found in his mobile, which is a false and fake one and unhealthy for the democratic system. Such a lethargic act of the petitioner needs to be strongly condemned. However, the petitioner has filed an Affidavit of Undertaking expressing his unconditional apology.

8. The relevant portion of the affidavit of the petitioner is extracted here under:

" I respectfully submit that I am a resident of Madhya Pradesh and a student of Makhanlal Chaturvedi National University of Journalism and Communication at



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Bhopal. I submit that the defacto complainant has lodged a complaint against me stating that I tweeted a false message stating that Deputy Chief Minister of Bihar had dinner with Chief Minister of Tamilnadu, while the Bihari people were killed by the Tamil people for speaking Hindi, which was tend to trigger linguistic chauvinism and based on which FIR No.7 of 2023 under Section 153, 153A and 505(1)(b) of IPC, 1860 was registered against me and the Judicial Magistrate Court-II, Krishnagiri, ordered warrant in respect of the same.

I filed Transit anticipatory bail in M.Cr.C.No.11665/2023 before the Hon'ble High Court, Madhya Pradesh and the Hon'ble Court was pleased to grant Transit Anticipatory Bail for a period of 15 days i.e., till 13.04.2023.

I respectfully submit that I saw the alleged new that was flashed on 02.03.2023 in the reputed newspapers namely the Hindustan newspaper and Dainik Bhaskar besides other newspapers, regarding atrocities committed on the native people of Bihar in the State of Tamilnadu for speaking Hindi and also I saw similar tweets on twitter posted by many people and without



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verifying the veracity of the news, out of anguish, I re-tweeted the alleged news in my twitter page using my personal Mobile Samsung Galaxy A32 bearing IMEI No.350894211538964(Slot-1) and 353522421538964 (Slot-2). When I found that the information published in the newspaper was false, I immediately deleted my tweet and published an unconditional apology and clarification in this regard through my tweet and has also flagged it to Chief Minister of Tamil Nadu and Tamil Nadu Police Department”.

9. While dealing with a public interest litigation filed for redressal of grievances of migrant labourers during the pandemic period, the Apex Court in ***Alakh Alok Srivastava vs. Union of India*** (2020 SCC OnLine SC 345) has observed that the Media (print, electronic or social) is expected to maintain a strong sense of responsibility and ensure that unverified news capable of causing panic is not disseminated.

10. Coming to the case on hand, the petitioner is an aspiring student of Journalism and thereby, this court is of the view that in the event of arrest, his career would be spoiled and he had also



undertaken to be more cautious not to indulge into such activities in future and the petitioner had also undertaken to hand over his mobile phone i.e., Samsung Galaxy A32 bearing IMEI No.350894211538964(Slot-1) and 353522421538964 (Slot-2) to the respondent, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

11. Accordingly, the petitioner is ordered to 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 made ready, before the ***learned Judicial Magistrate-II, Krishnagiri*** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with two sureties, ***out of which, one surety must be a blood related surety ie., either father or mother of the petitioner*** 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/trial



Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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[b] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks;

[c] the petitioner shall hand over his mobile phone i.e., Samsung Galaxy A32 bearing IMEI No.350894211538964(Slot-1) and 353522421538964 (Slot-2) to the respondent;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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 released on bail by the learned Magistrate/Trial Court, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

[g] if the petitioner herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

22.06.2023

vv/ssk.



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A.D.JAGADISH CHANDIRA, J.

Vv/ssk.

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