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Crl.O.P.No.8544 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

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

Crl.O.P.No.8544 of 2023

K.Pradheep

... Petitioner

Vs.

Inspector of Police
Central Crime Branch-Cyber Crime P.S.
Vepery, Chennai
(Crime No.52 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.52 of 2023 for the
offences under Sections 153, 505(1)(b) and 509 IPC on the file of the
respondent police pending investigation.

For Petitioner : Mr.V.Logesh

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)

For Intervenor : Mr.Davir Sundar Singh

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 21.03.2023, for the offences punishable under Sections 153, 505(1)(b)
and 509 IPC, in Crime No.52 of 2023 on the file of the respondent police,

seeks bail.

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2. The case of the prosecution as per the defacto complainant A.S.Kumari, Chairperson of Tamil Nadu Women Commission is that on 21.03.2023 at 07.19 a.m., the accused had shared a content in his twitter account handle @voiceofsavukku, under the title of “Thaguthiyana Kudumba Thalaivigalai Therdhedutha Tharunam,” by tagging a twitter handle @veera284 and in the shared material, the accused has mentioned the names of the Hon'ble Chief Minister and the Hon'ble Finance Minister and that the contents were derogatory, defamatory and had depicted women in a bad light. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is a business man and social activist who is involved in commenting and writing about the activities of the Government functionaries and politicians. The alleged video was already in the public domain and posted by various leading visual media. On 20.03.2023, Thanthi TV in their program “Ezharai” had telecasted the video meme with the same content and the said video meme was shared and posted by several other persons in various social media. The petitioner had just shared it in his twitter page. The petitioner is neither the creator nor the person who originally posted it in the social media. Therefore, the sections under which, the case has been registered cannot be made out against the petitioner. He further submitted



the petitioner has also filed an affidavit of undertaking that he would delete the said tweet for which the case has been registered in Crime No.52 of 2023 and he would not forward the video in the tweet to anyone. He further submitted that the investigation is almost over. Hence, he would pray to grant bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner claiming him to be a social activist had shared a defamatory and derogatory content against women and in that video, two actors classify women according to their external appearance in a demeaning and degrading way. Further, the accused has mentioned the names of the Hon'ble Chief Minister and the Hon'ble Finance Minister on the two actors along with a tag line. He further submitted that the petitioner has got 2 previous cases against him.

5. Mr.David Sundar Singh, the learned counsel for the intervenor would vehemently oppose for grant of bail to the petitioner stating that the petitioner under the guise of projecting himself as a social activist, had shared offending, derogatory and defamatory content against entire women



6. Heard the learned Counsel for the petitioner, the learned counsel for the Intervenor and the learned Government Advocate (Crl. Side) and also perused the materials available on record.

7. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and also taking into consideration the affidavit of undertaking filed by the petitioner dated 20.04.2023 and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with **two sureties, each** for a like sum to the satisfaction of the **learned Additional Chief Metropolitan Magistrate, Egmore, Chennai,** and on further conditions that:

[a] 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 everyday at 10.30 a.m. until further orders;



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

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

[e] 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 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]***;

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

Accordingly, this Criminal Original Petition is ordered. Consequently, connected Miscellaneous Petition is closed.

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A.D.JAGADISH CHANDIRA,J.,

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To

1. The Additional Chief Metropolitan Magistrate, Egmore, Chennai
2. The Inspector of Police
Central Crime Branch-Cyber Crime P.S.
Vepery, Chennai
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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