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Crl.O.P.No.17197 of 2023

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Reserved On	23.08.2023
Pronounced On	28.08.2023

RMT.TEEKAA RAMAN,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 509 of IPC read with Section 67 of the Information Technology Act, 2000, in Crime No.183 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the *de-facto* complainant have lodged a complaint before the National Women Rights Commission alleging that the petitioner have abused actress Vindhiya, who belongs to AIADMK political party in Youtube and also defamed her. In this regard, the said complaint was examined and a direction was issued to the respondent police to take appropriate action against the petitioner for the said alleged Youtube speech against the said actress. Accordingly, the above case was registered by the respondent police.

3. The learned counsel for the petitioner stated that due to



political enmity between the petitioner and another political party such a complaint was filed and freedom of speech is violated. He further stated that it is 'War of Words' between two propaganda persons of the political party, one being the ex-ruling party and other being the ruling party.

4. The learned government Advocate (Crl.side) stated that it is under investigation.

5. This Court had expressed that the words spoken by the petitioner in the Youtube are inappropriate, for which the learned counsel for the petitioner stated that he could file an affidavit of undertaking that he will not indulge in same in future. Accordingly, he filed an affidavit of undertaking stating that,

“I hereby, undertake that I will never and ever commit such mistake by defaming the women. I have refrained myself in delivering my speech without hurting anyone in any manner and I will not indulge of such activities in future.”

6. The learned counsel for the intervenor/*de-facto* complainant filed an intervening petition on behalf of the intervenor/ the *de-facto* complainant Viz., Mayuri Vindhya @ Vindhya in



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Crl.M.P.No.12933 of 2023. Based upon the affidavit filed by her in the intervening petition, he would contend that words spoken by the petitioner in the Youtube channel “King 360” is most inappropriate, touching upon the dignity of the women and he has spoken with unparliamentary words using all sorts of obscene word and outraged her modesty. Relying upon the video clipping running from 02:02 minutes to 29:48 minutes, further contended that the said Youtube channel had uploaded and circulated the video in social media and it is an insult to her modesty and caused stigma in her society. In the affidavit, it is also submitted that the petitioner is in the habit of committing same crime against the women in public life and on the representation made by her before the National Commission for Women, the case has been registered.

7. It is also brought to the notice of this Court that in an earlier occasion, the very same petitioner have uttered unparliamentary words against the former Tamil Nadu Minister, resulting in registration of Crime No.33 of 2021 for the offence under Sections 504, 505(1)(b) and 505(2) of IPC. Subsequently, the



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petitioner was arrested.

8. The learned Government Advocate (Crl.side) would state that in the said complaint, he was arrested and remanded to judicial custody and subsequently, enlarged on bail.

9. Taking into consideration the contents in the video, spoken and uploaded by the petitioner in the Youtube and the previous complaint alleging commission of similar nature of crime in the above said crime number, I find that it is the second time, this petitioner has indulged in such an activity and the matter is under investigation. Hence, I am not inclined to grant anticipatory bail to the petitioner.

10. Accordingly, this Criminal Original Petition is dismissed.

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