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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.17704 of 2024

Felix Jerald

... Petitioner

Vs.

State Rep by.
The Inspector of Police
Cyber Crime Police Station,
Coimbatore City.
Crime No. 123 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in CC No. 696 of 2024 on the file of
the Judicial Magistrate No.IV, Coimbatore, in crime No. 123 of 2024 dated
03.05.2024.

For Petitioner : Mr.R.John Sathyan, Senior counsel,
for Ms.D.Revathi Karthick
For Respondent : Mr.V.Meganathan
Government Advocate (Crl. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.05.2024 for the offences punishable under Sections **294 (b) , 353, 509 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 67 of the Information Technology Act, 2000 in crime No. 123 of 2024** on the file of the respondent, seeks bail.

2. The brief facts of the prosecution case is that the petitioner had interviewed A1 on his social media channel called as "RED PIX 24 X 7" and facilitated the first accused in making derogatory statements about women police officers.

3. The learned counsel for the petitioner submits that the petitioner is a journalist by profession, who had only broadcasted the interview of the first accused and he is no way connected with the alleged offences. Further, the petitioner had never intended to lower the image and dignity of the women police officers or the women in society. But the prosecution without conducting any enquiry registered the case. Further, co-accused has been released on bail by the Apex Court and the final report has been filed and same was taken on file. Hence, he prays to allow this petition.



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4. On the other side, the learned Government Advocate (Crl. side) submits that the the petitioner herein interviewed the A1, who made derogatory comments about the character of the women police personnel alleging that they compromised their modesty due to pressure from higher officials at their work place to gain personal benefits and postings, which raised concerns about the perception of women police among the general public. Further, earlier one case was registered against the petitioner in the year 2022, in that case, the petitioner interviewed one Geetha, claiming herself as Advocate, Industrialist and Educationalist, who had expressed highly derogatory and defamatory allegations against the politicians in power, retired judges, sitting judges and also members of the legal profession was posted. In the said case, the petitioner filed anticipatory bail petition before this Court in Crl. OP. No. 26670 of 2022 and this Court has granted bail to the petitioner based on the affirmation made by him that he would file affidavit of undertaking that he would not indulge into such controversial activities in future but the petitioner breached the above condition, again he indulged in similar activities. Hence, he raised strong objection to grant bail.



5. Heard both sides.

6. On perusal of the anticipatory bail order dated 01.11.2022 in CrI.O.P No. 26670 of 2022, it reveals that the petitioner had already interviewed one Geetha, who had expressed highly derogatory and defamatory allegations against the politicians in power, retired judges, sitting judges and also members of the legal profession was posted and in the said order the petitioner agreed to file affidavit of undertaking that he would not indulge in such controversial activities in future. However, in the present case, petitioner again interviewed A1, who made derogatory comments about the character of the women police personnel which was also published in social media. The conduct of the petitioner shows that he indulged in the same sort of controversial activities under the guise of interview thereby, the petitioner violated earlier undertaking given by him in CrI.OP. No. 26670 of 2022. However, the respondent police have filed the final report and the same was taken on file and also co-accused has been released on bail. Hence, this Court is inclined to grant bail to the petitioner with the following conditions.



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7. 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 (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No. IV, Coimbatore**, 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 on every Tuesday at 10.30 a.m., until further order. Further, the petitioner is directed to close his Youtube channel "RED PIX 24 X 7" and shall file an affidavit of undertaking before the Trial court that he would not indulge in similar type of activities in future. Further, the petitioner shall not give any interview about this case till the completion of Trial.

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



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[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.

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T.V.THAMILSELVI,J.

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To

1. The **Judicial Magistrate No. IV, Coimbatore.**

2. The Inspector of Police
Cyber Crime Police Station,
Coimbatore City.

3. The Central Prison, Trichy.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.17704 of 2024

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