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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 12.12.2024

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P. No.30060 of 2024

Amudha

Petitioner

Vs.

State rep. by the
Inspector of Police,
Attur Rural Police Station,
Salem District.
(Crime No.304 of 2024)

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, 2023 seeking anticipatory bail in connection with Crime No.304 of 2024 on the file of the respondent police.

For petitioner	: Mr.Iyyapparaj
For Respondent	: Mr.S.Santhosh, Government Advocate (Crl. Side)

ORDER

Apprehending arrest in connection with Crime No.304 of 2024 on the file of the respondent police in respect of offences punishable under Sections 296(b), 352 and 353 of BNS, 2023, the present petition has been filed by the petitioner, who has been arrayed as sole accused in the case, seeking anticipatory bail.



2. The allegation levelled against the petitioner, State Deputy Secretary of Women Wing of AIADMK, is that during a special address delivered by her in the celebrations of 116th birthday of former Chief Minister Aringar Anna at Attur on 22.09.2024, she had abused the Government of Tamil Nadu and its policies and defamed the Chief Minister and his family in a derogatory manner.

3. Craving indulgence of this court the learned counsel for the petitioner would submit his arguments as under:-

i) The petitioner belongs to an opposition party in the State of Tamil Nadu and the said party used to conduct meetings against the policy and scheme implemented by the authorities which affect the public interest and in such a course of action, she had delivered a speech, however, by way of curtailing the voice expressed by the opposition party, the present complaint has been lodged and the petitioner, an aged lady had been falsely roped into the case.

ii) The petitioner has not caused any public disturbance and none from general public has lodged any complaint to the effect that the speech had affected the public tranquility.

iii) The alleged meeting having been conducted on 22.9.2024, the complaint had been lodged nearly after a month viz., on 18.10.2024 without there being any impact on the public tranquility.

iv) In the event grant of anticipatory bail assuring the personal liberty, the petitioner would not tamper the evidence or witness during the



investigation or trial and she is ready to abide by any condition that may be imposed upon her without evading the due process of law.

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4. Per contra, learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner, in the guise of delivering a special address in the celebrations of 116th birthday of former Chief Minister Aringar Anna, had made many derogatory statements, filthy and vulgar abuses and false allegations against the Hon'ble Chief Minister, his family members and present Cabinet Ministers and also about the schemes implemented by the State of Tamilnadu and sought to tarnish the name and fame earned by them in public and thereby the petitioner is not entitled to any indulgence of this court.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. A perusal of the contents of the FIR would disclose that though the speech was delivered by the petitioner only 22.9.2024, the same came to be registered on 18.10.2024 only after getting instructions from the higher officials and opinion from the Public Prosecutor and thereby such a delay cannot be taken advantage by the petitioner.

7. Further, a reading of the transcript of the speech delivered by the petitioner would disclose that though the petitioner had commenced to praise



the former leader of their party with a few lines, thereafter, she had chosen to utter many derogatory statements against the late former Chief Minister, the present Chief Minister and his family members, other present Cabinet Ministers and other members of the party with many unethical, filthy and unparliamentary words, which, this court is not inclined to reproduce even for the sake of reference. While freedom of speech is guaranteed under the Constitution, this court feels that such a right cannot be taken advantage by anybody to cross the limits of decency.

8. Needless to say that recently, this court had rejected a similar petition filed by an actress seeking anticipatory bail apprehending arrest in respect of a case lodged against her for having delivered a hatred speech by passing some comments in public over women belonging to a particular community.

9. The learned counsel appearing for the petitioner submitted that in the present case, the petitioner being the State Deputy Secretary of AIADMK Party, Women Wing, had delivered a speech in a political meeting and that the petitioner may be pardoned and that she may be permitted to file an affidavit of apology. Pursuant to the same, an affidavit of apology was produced.

10. A perusal of such affidavit shows that the petitioner, claiming to be

<https://www.thelawstar.com/> the State Deputy Secretary of Women Wing of a political party, has not even



shown any remorse or regret whole-heartedly for having delivered such a speech with most vulgarity, instead, the contents of the affidavit discloses that by way of clever drafting, an attempt is sought to be made to justify her speech.

11. This court is not satisfied with the affidavit filed by the petitioner, which is claimed to be one of apology, without any whole-hearted repentance. In such circumstances, this court feels that it is not a fit case for grant of anticipatory bail and thereby, the petition is liable to be dismissed. Accordingly, it is dismissed.

12.12.2024

Index : Yes / No
Speaking / Non-speaking
ssk.

To

1. Inspector of Police,
Attur Rural Police Station,
Salem District.
2. Public Prosecutor,
High Court of Madras.



A.D.JAGADISH CHANDIRA,J.

ssk.

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