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Crl.O.P.No.32420 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.12.2024

CORAM

THE HON'BLE MR. JUSTICE V.LAKSHMINARAYANAN

Crl.O.P.No.32420 of 2024

Rangarajan Narasimhan

... Petitioner

Vs.

State of Tamil Nadu
rep.by The Inspector of Police
D-1, Triplicane Police Station
Chennai.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on interim bail in Crime No.538 of 2024 pending investigation on the file of the Inspector of Police, D-1 Triplicane Police Station, Chennai.

For Petitioner	:	Mr.T.S.Vijayaraghavan
For Respondent	:	Mr.KMD Mugilan Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed seeking to enlarge the petitioner on bail in Crime No.538 of 2024 pending on the file of Inspector of Police, D1, Triplicane Police Station, Chennai.



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2. The petitioner is the sole accused in the aforesaid Crime Number. This matter was placed before the Hon'ble Administrative Judge for appropriate orders on maintainability. The Hon'ble Administrative Judge directed the matter to be listed before me. Hence, I heard the maintainability.

3. Office raised an objection of maintainability of bail on account of the fact the petitioner did not move the learned Principal Judge, City Civil Court, Chennai prior to moving this Court.

4. Mr.T.S.Vijayaraghavan, learned counsel for the petitioner urged that in terms of Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as BNSS), the jurisdiction of the High Court as well as that of the Court of Sessions are concurrent and hence the petition is maintainable. I requested him to serve the entire papers of the the office of the learned State Public Prosecutor.

5. The learned State Public Prosecutor is represented by Mr.KMD Mugilan, learned Government Advocate (Criminal Side). On a query by this Court as to whether the Principal Judge, City Civil Court, Chennai is functioning, he submits that the Principal Judge, City Civil Court is closed for Christmas Vacation.



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6. Hence, it is clear that it is not possible for the petitioner to move the bail there.

7. Considering the circumstances that this is a matter relating to the life and liberty of an individual, I directed the office to number the petition and I heard the matter on merits.

8. The petitioner has been arrested pursuant to the complaint given by a woman on 19.12.2024 at 07.50 Hours. The complainant stated that she tweeted her reply to the petitioner regarding his cry that he has spent a lot of time and money appearing before the Supreme Court and as the matter was not listed, it was a wasted trip. In response to the same, the petitioner used some derogatory words. Feeling aggrieved over the response given to her tweet, the complainant lodged the said complaint with the respondent police.

9. The respondent police registered a case under Sections 75 and 79 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as BNS) and Section 4 of the Prohibition of Harassment of Women Act 2002, Section 67 of the Information Technology Act, 2000. As the petitioner was already in judicial custody pursuant to the arrest in Crime No.320 of 2024 by the Central Crime Branch, Vepery Police Station, formal arrest was shown on the petitioner on 20.12.2024.



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10. Mr.T.S.Vijayaraghavan states that the response given by the petitioner no way attracts any of the aforesaid Sections. He states the statement is a transliteration of the regular usage in Tamil. Apart from that, he points out that Section 79 is bailable offence, whereas Section 75 is not. For the purpose of Section 75 of the BNS, it requires a response which would amount to sexually harassing a person.

11. For the purpose of this order, I have to state that a reading of the complaint does not attract the provisions of Section 75 of BNS or Section 4 of the Prohibition of Harassment of Women Act. Furthermore, as the other offences are bailable, I am inclined to grant bail to the petitioner with certain conditions.

12. Accordingly, the petitioner is ordered to be released on bail on his executing separate 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 **II Metropolitan Magistrate Court, 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;



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[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m. for the first two weeks after his release and thereafter, as and when required.

[c] the petitioner shall refrain from making any vituperative comments against women in any of the forums of social media that he adopts.

[d] the petitioner shall not tamper the witnesses and not contact the complainant either in person or through social media.

[e] the petitioner shall not commit similar offences of which he has been accused.

[f] In addition, immediately on being released from custody, the petitioner shall delete all the offensive messages.

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

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

[i] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions



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have been imposed and the petitioners 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]***;

[j] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

24.12.2024

KST

Note : Issue order copy today (24.12.2024)

To

1. The II Metropolitan Magistrate Court, Egmore, Chennai
2. The Inspector of Police, D-1 Triplicane Police Station, Chennai
3. The Superintendent, Central Prison, Puzhal.
4. The Public Prosecutor, High Court of Madras.



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V.LAKSHMINARAYANAN,J.

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