



CRL OP(MD). No.17053 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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1. M Arivalagan,

2. Ramesh,

... Petitioners/ Accused No.1 & 2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Contonement Police Station,
Trichy District.
Crime No. 2033/2024..

... Respondent/Complainant

For Petitioner : Mr.B.Jameelarasu,
Advocate.

For Respondent : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 2033 of 2024 on the file of the Respondent police.



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ORDER : The Court made the following order :-

The petitioners / Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b) and 351(2) of BNS, 2023 r/w. Section 66(A) of IT Act in Crime No.2033 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein said to have used defamatory words and published on social media about the character of the defacto complainant and his union. Hence, the case.

3. The learned Additional Advocate General by Producing bunch of materials which are in the form of a memes / messages posted by the petitioners on the social media would submit that the petitioners are in the habit of continuously and persistently targeting individuals, which include the Chief Minister and the Central Ministers and in the garb of sending political messages, he is undertaking only personal attacks and vilification. The combination in which the messages are made and the photographs are used causes grave harm to the reputation as well as the personal well-being of the individuals concerned. Therefore, he would submit that



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this is not a case where the court should enlarge the petitioner on anticipatory bail.

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4. The learned counsel for the petitioners while submitting that these are all only political messages, however, on his own would submit that in view of the message is being taken as offensive, the petitioners on their own volition voluntarily will henceforth stop posting messages or using pictures or creating memes and publishing in the social media directly or indirectly in any manner whatsoever.

5. I have considered the submissions made by the learned counsel appearing on either side and perused the materials available on record.

6. Some of the memes can be seen as political messages. It can also be seen at the same time some of them exceed the limits also. Considering the submissions made by the learned Counsel for the petitioners that henceforth they will not make such memes personally attacking any leader or any person for that matter, I am inclined to enlarge the petitioners on anticipatory bail.

7. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date of



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receipt of a copy of this order, before the learned Judicial Magistrate No.II, Trichy,
on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-
(Rupees Ten Thousand only) each with two sureties, each for a like sum to the
satisfaction of the respondent Police or to the Police Officer, who intends to arrest or
to the satisfaction of the learned Magistrate concerned and on further conditions
that:

a)the petitioners and 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)As submitted by the learned counsel for the petitioners, the petitioners shall
file an affidavit of undertaking before the trial court that they will not in future
upload memes, shares messages by using the Photographs or images of the leaders
in derogatory manner;

(c) the petitioners shall report before the respondent police daily at 6.30 pm for
a period of three weeks and thereafter, as and when required for interrogation;

(d)the petitioners shall not tamper with evidence or witness either during
investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial



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Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions 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]*; and;

(g)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/10/2024

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/10/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
TRICHY.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CONTONEMENT POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-12442[I] dated 15/10/2024)

ORDER
IN
CRL OP(MD) No.17053 of 2024
Date :14/10/2024

SS/MMS/SAR- /22/10/2024/ 6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023