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Crl.O.P.Nos.2978 & 3184 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.03.2025

PRONOUNCED ON : 02.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos.2978 & 3184 of 2025

1.Mr.Jaisankar ... Petitioner in Crl.OP.No.2978 of 2025/Accused

2.Mr.S.Saravanan ... Petitioner in Crl.OP.No.3184 of 2025/Accused

Vs.

State, Rep. by Sub Inspector of Police

E3, Teynampet Police Station,

Chennai – 600 018.

(Crime No.28 of 2025) ... Respondent/complainant

COMMON PRAYER: Criminal Original Petitions filed under Section 482 of BNSS, to enlarge the petitioners/Accused on bail in the event of arrest in connection with Crime No.28 of 2025, pending investigation on the file of the respondent Police.

For Petitioners

in Crl.OP No.2978 of 2025 : Ms.V.Nivetha Bernice

in Crl.OP.No.3184 of 2025 : Mr.Tamizh Selvan S

For Respondent

in both cases

: Mr.S.Balaji

Government Advocate (Crl.Side)



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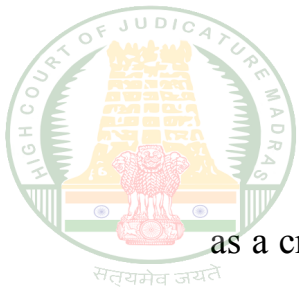
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COMMON ORDER

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 67 of the Information Technology Act, 2000 and Sections 352 and 353 of BNS, 2023 in Crime No.28 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the defacto complainant is that the petitioner in Crl.OP.No.2878 of 2025 while giving an interview to a YouTube channel, which was interviewed by the petitioner in Crl.OP.No.3184 of 2025, had made certain defamatory statements against a leading actor in Tamil movies and also about the Film Actors' Association; and that the said statement besides being false, harmed the reputation of the actor and the association and caused hardship and irreparable loss.

3. (i) The learned counsel appearing for the petitioner in Crl.OP.No.2978 of 2025 submitted that he is a freelance journalist, often expressing various opinions through interviews on digital media platform



as a critic-cum-journalist and had given over 1000 interviews in multiple channels; that he had only answered the questions of the interviewer regarding a film actor's health condition; and that he had no intention to defame the actor or the association.

(ii) The learned counsel would also submit that several others had given similar interviews and that the defacto complainant had prosecuted only the petitioner with a malicious intent.

4. The learned counsel appearing for the petitioner in Crl.OP.No.3184 of 2025 submitted that he had interviewed the petitioner in Crl.OP.No.2978 of 2025 and had not made any statements against anybody; that the person who had answered the questions, is responsible for the statements and he is not responsible.

5. Both the learned counsels submitted that considering the nature of allegations, custodial interrogation of the petitioners is not required for the purpose of investigation and sought for anticipatory bail.

6. The learned counsel for the defacto complainant, however,



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vehemently opposed the prayer for anticipatory bail and submitted that there must be guidelines to the persons publishing interviews through YouTube and other social media channels; that under the guise of free speech, the YouTubers are making disparaging and derogatory comments about others which would not only harm the person's reputation but also would cause serious repercussions in the society; and that the right to free speech has reasonable restrictions and cannot violate another man's right.

7. The learned Government Advocate (CrI.Side) appearing for the respondent, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and confirmed the aforesaid facts and submitted that the investigation is pending.

8. (i) During the course of hearing, both the petitioners had voluntarily filed an affidavit expressing regret and also undertook to avoid such publications/interviews in the social media which will harm the reputation of any individual.

(ii) The relevant portion of the affidavit filed by the petitioner



in CrI.OP.No.2978 of 25 reads as follows:

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“Further, I affirm that I will restrain myself from making any defamatory statements with regards to the South Indian Artistes' Association. And also, I undertake to maintain strong sense of responsibility while giving interviews and will not give any derogatory / defamatory statements with malicious intention against the South India Artistes' Association and its office bearers. In near future, I will be very cautious towards my interviews and assure that the same will not cause any hatred before the common public.”

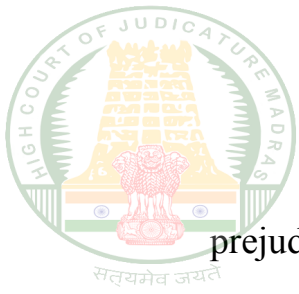
(iii) The relevant portion of the affidavit filed by the petitioner in CrI.OP.No.3184 of 2025, reads as follows:

“4. I further submit that after filing this Anticipatory bail petition before this Hon'ble court only I came to know about the Information Technology (Intermediaries Guidelines) Rules, 2011 which are framed under Section 79 of the Information Technology Act, 2000 and I am now very well aware of the consequences of capturing or interviewing in disrespectful manner and I owe before this Hon'ble court that I will take interview with decency and morality in upcoming days. and I sincerely apologize for what I did.

....

8. I further submit that I undertake that in the near future, I promise to act with dignity, responsibility, and social concern in all my videos, and not to interfere in anyone's personal matters. I abide with the guide lines framed by this Hon'ble Court.”

9. The above affidavits have been filed by the petitioners without



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prejudice to their defence in the instant case and the said affidavits, are taken on record. Considering the affidavits filed on behalf of the petitioners and the nature of the allegations against them, this Court is of the view that custodial interrogation of the petitioners is not required for the purpose of investigation and is inclined to grant anticipatory bail to the petitioners with certain conditions. It is needless to say that if the petitioners violate the undertaking in the affidavit, it is open to the State or the defacto complainant to seek cancellation of the anticipatory bail granted.

10. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned XVIII Metropolitan Magistrate, Saidapet, Chennai**, on condition that the petitioners shall execute a separate 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners and the sureties shall affix



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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 Petitioners shall report before the respondent police once in a week i.e., on every Monday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond 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 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].

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



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SUNDER MOHAN, J.
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- To
- 1.The XVIII Metropolitan Magistrate,
Saidapet, Chennai.
 - 2.The Inspector of Police
E3, Teynampet Police Station,
Chennai – 600 018.
 - 3.The Public Prosecutor,
High Court of Madras.

Pre-delivery common order in
CrI.O.P.Nos.2978 & 3184 of 2025

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