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Crl.O.P.No.31296 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 31296 of 2024

R.Nirmal Kumar

Petitioner

Vs

The Inspector Of Police,
Cyber Crime Branch,
Chennai.
(Crime No. 314 /2024)

Respondent

For Petitioner:

Mr.Tamilselvan S

For Respondent:

Mr.S.Santhosh

Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.314 of 2024 registered for the offences punishable under Sections 192, 353(1)(B) and 353(2) of Bharathiya Nyaya Sanhita, 2023, the present petition has been filed seeking anticipatory bail.

2. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He would submit that the petitioner is a Joint Secretary, in the Information



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Technology Wing in AIADMK party in Chennai and that by seeing a T.V news in which there was spark from the electric pole near marina beach, the petitioner had uploaded the content in the X platform. He would submit that the petitioner had uploaded the content only to create awareness among the public to be safe and it was not his intention to create panic among the public. He would submit that later, the petitioner came to know that the news was false and immediately, he had removed the same from his X account. He would submit that the petitioner has also given apology for the act he has committed and that he has also filed an affidavit of undertaking before this court that his intention is only to create awareness of the said occurrence and to ensure public safety. He would submit that the petitioner also given an undertaking that he will not upload any content in the social media without verifying the veracity of the same. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail is that, the petitioner had uploaded unverified content in the social media platform to create panic among the public. He would submit that the petitioner has two previous cases of similar nature. He would submit



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that earlier occasion, on 13.10.2022, the petitioner had uploaded a similar tweet with a false information that, the visit of the Hon'ble Prime Minister of India was cancelled, only because of the lack of security arrangement made in the Tamil Nadu. He would submit that the message that was posted by the petitioner in his tweeter page virtually has a direct impact on the Centre and State relationship. He would further submit that, the petitioner also given affidavit of apology for the same.

4. In reply, Mr.Tamilselvan, learned counsel appearing for the petitioner submitted that the petitioner would ensure that such incident will not happen in future and he would also file an affidavit of apology and the same may be taken into consideration by this court, and he may be granted anticipatory bail.

5. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the



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event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **XI Metropolitan Magistrate, Saidapet**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

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

[d] the petitioner 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



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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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

The affidavit of the petitioner shall form part of the Court records.

02.01.2025

dsn

A.D.JAGADISH CHANDIRA, J.

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