IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 31273 of 2026
CNR:{HCMA012572712026}
AND
CRL OP NO. 31276 OF 2026, CRL OP NO. 31277 OF 2026

D.Prakash

..Petitioner(s)

Vs

The State Rep. by, The Inspector of Police
G-1, Vepery Police Station,
Vepery, Chennai-600 007.
Crime No.0343 of 2026.

..Respondent(s)

CRL OP No. 31276 of 2026

CNR:{HCMA012572692026}

S. Sarath Kumar

..Petitioner(s)

Vs

The State Rep by the Inspector of Police
G-1, Vepery Police Station,
Vepery, Chennai-600 007.
Crime No.0343 of 2026.

..Respondent(s)

CRL OP No. 31277 of 2026

CNR:{HCMA012572822026}

M. Suresh Vedhanayagam

..Petitioner(s)

Vs

The State Rep By, The Inspector of Police
G-1, Vepery Police Station,
Vepery, Chennai-600 007.
Crime No.0343 of 2026.

..Respondent(s)

Prayer in **CRL OP No. 31273 of 2026:** This petition is filed under Section 482 of BNSS Act, 2023, praying to enlarge the petitioner on bail in the event of his arrest in Cr.No.0343 of 2026 o the file of the Respondent Police.

Prayer in **CRL OP No. 31276 of 2026:** This petition is filed under Section 482 of BNSS Act, 2023, praying to enlarge the petitioner on bail in the event of his arrest in Crime No. 0343 of 2026 on the file of the Respondent police.

Prayer in **CRL OP No. 31277 of 2026:** This petition is filed under Section 482 of BNSS Act, 2023, praying to enlarge the petitioner on bail in the event of his arrest in Crime No. 0343 of 2026 on the file of the Respondent police.

Crl.OP Nos.31273, 31276 & 31277 of 2026

For Petitioner(s): Mr.A.Saravanan

For Respondent(s): Mr.R.Rajasekaran
Government Advocate (Crl.Side)

Common Order

1. These are three petitions for anticipatory bail under Section 482 of the BNSS. The petitioners apprehend arrest in Crime No. 343 of 2026 of the G-1 Vepery

Police Station, Chennai, registered on 21.10.2026 for offences under Sections 353(1)(b), 351(2) and 356 of the BNS Act, 2023. In the array given in the counter affidavits they are the first, second and third accused: M. Suresh Vedhanayagam in Crl.O.P. No. 31277, D. Prakash in Crl.O.P. No. 31273 and S. Sarath Kumar in Crl.O.P. No. 31276 of 2026. The first information report names no one, and I follow the counter affidavits. The petitions arise out of the same crime and are disposed of together.

2. The de facto complainant is a crime reporter with a television channel and an office-bearer of a journalists' union. His case is that on 29.09.2026 a message was circulated in four WhatsApp groups portraying him as one who extorts money under the guise of journalism. It said that when a police inspector had sought a printer for his station by a written request, the complainant threatened to publish the request as a bribe and demanded Rs.5,00,000/- from the officer. He says the message is false and was meant to intimidate him and to damage his reputation. His complaint of 07.10.2026 to the Commissioner of Police was enquired into by the respondent and registered as the present crime. According to the counter affidavits, the first petitioner typed the message and circulated it in one group, and the second and third petitioners forwarded it to others.

3. The petitioners are working journalists in Chennai. Each was summoned in the enquiry on the complaint and appeared. On 21.10.2026, the day the crime was registered, notices under Section 35(3) of the BNSS required the first and third petitioners to appear that afternoon and the second petitioner the next morning. These petitions were filed on 22.10.2026.

4. Learned counsel for the petitioners made these submissions:

(a) the complaint is false and the petitioners have committed no offence;

(b) they appeared whenever called and gave their explanations;

(c) they are journalists of long standing with settled residence in Chennai, and will abide by any condition.

For the second petitioner it was added that the one earlier case against him is disclosed in his own affidavit.

5. The respondent has filed counter affidavits and the petitions are opposed on their lines: the statements of the de facto complainant and other witnesses have been recorded; the phones of the first and third petitioners and of the fourth accused have been seized and sent to the Forensic Science Laboratory, and the report is awaited; the petitioners did not answer notices to appear on 24.10.2026 and are absconding; the second petitioner's phone is yet to be seized; custodial interrogation is "very essential"; and the second petitioner has a previous case of a similar nature.

6. I have considered the rival submissions and perused the material placed before me.

7. The test is the nature and gravity of the accusation, the role attributed to the petitioner and the facts of the case. The gravity can be shortly stated. The gravest offence, under Section 353(1) of the BNS, is punishable with imprisonment which may extend to three years; the other two carry two years. All three are shown in the First Schedule to the BNSS as non-cognizable, and the offences under Sections 351(2) and 356 as bailable. In a non-cognizable case a police officer has no authority to arrest without a warrant as per Section 2(1)(o) of the BNSS, and he may not investigate without the order of a Magistrate as per Section 174(2). The counter affidavits do not say that such an order was obtained. That question is not before me, and I leave it open. Nor do they indicate what, in a message about the dealings of one reporter with one police officer, is likely to cause fear or alarm to the public whereby any person may be induced to commit an offence against the State or against the public

tranquillity, which Section 353(1)(b) requires. I decide nothing about the sections. Whether the message was false, and whether it defamed the de facto complainant, are matters for the investigation and the trial court.

8. Even if the case were treated as cognizable, the respondent itself chose to proceed by notice under Section 35(3) of the BNSS. For offences punishable with imprisonment up to seven years that notice is the rule and arrest the exception, and an arrest after the notice must rest on material that was not available when it was issued, as held in **Satender Kumar Antil v. Central Bureau of Investigation, 2026 INSC 115**, following **Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273**. The question before me is not whether the message was true. The question is whether the material calls for the custody of the petitioners for the investigation. The offence, if any, consists of a message that is in the four groups and, on the respondent's own showing, on the phones already seized and sent for forensic examination, including the phone of the first petitioner, who is said to have typed it. The statements of the de facto complainant and the witnesses have been recorded. What remains, by the counter affidavits, is to examine some more witnesses and to seize the second petitioner's phone. Witnesses are examined without anyone's custody, and a phone is seized without the custody of its owner. The respondent has not pointed to anything else that remains to be recovered from the petitioners or through them. Where the offence consists of words already recorded, custodial interrogation ordinarily serves no investigative purpose, as this Court held in **D. Sudha v. State, Crl.O.P. No. 30986 of 2026, dated 02.11.2026**.

9. The plea that the petitioners are absconding does not stand with the counter affidavits themselves. The notice to appear on 24.10.2026 is not produced. The same affidavits record that all the accused appeared on the notices under Section 35(3) and gave written statements, and that the phones of the first and third petitioners were seized from them. Persons who answered the summons, gave

statements, handed over their phones and moved this Court the day after the crime was registered are not absconders. The apprehensions of flight and of tampering are otherwise urged in general terms, without a particular in support, and can be met by conditions. The one earlier case against the second petitioner, Crime No. 399 of 2026 of the S-8 Adambakkam Police Station, is under investigation and was disclosed by him in his own affidavit.

10. There is one more matter which I should mention. The petitioners have placed their profession in the forefront of these petitions. The first petitioner describes his election as President of the Press Club as a "*testament to my good reputation and sincerity in my profession*", and each petitioner pleads that his reputation and career would be spoiled. The affidavits themselves describe what was done as the publication of "*the said news in the social media platform*". Whether the message was true, and which of the petitioners posted or forwarded it, are matters for the investigation, and I express no view on either. But on any version, what is complained of has nothing to do with journalism. A message passed around in WhatsApp groups, accusing a fellow journalist of extortion, is not the publication of news to the public, whatever its source and whether or not it is true. It is a quarrel among members of the profession, carried on in a medium where an accusation travels fast and is seldom corrected; and the complainant, himself a journalist, has answered it with a criminal case against his colleagues. **The freedom of the press is a freedom to inform the public. It does not attach to a person by reason of his calling when the act in question has nothing to do with informing the public, and it is not a licence to settle scores**. Reputation is a facet of the right to life under Article 21, as held in **Subramanian Swamy v. Union of India, (2016) 7 SCC 221**, and the complainant's reputation is entitled to that protection as much as the petitioners' own. **It is unfortunate that journalism, in the hands of those who hold office in its associations, has come down to this level. Their standing in the**

profession is a reason for restraint; it is not a ground for protection.

11. In the result, these Criminal Original Petitions are allowed. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the learned II Metropolitan Magistrate Court, Egmore, Chennai, on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties each, for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioner(s) fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) The sureties shall affix their photographs and left thumb impression in the application for surety ship (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019]'. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(c) the petitioners shall report before the respondent Police everyday at 10.30.a.m., until further orders;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner(s) in accordance with law as if the conditions have been imposed and the petitioner(s) released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560];***

(e) If the petitioner(s) thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

04-11-2026

GBI

To

1.The II Metropolitan Magistrate Court, Egmore,
Chennai.

2.The Inspector of Police
G-1, Vepery Police Station,
Vepery, Chennai.

3.The Public Prosecutor,
High Court of Madras.

N.RAMESH J.

GBI

CRL OP No. 31273 of 2026
AND
CRL OP NO. 31276 OF 2026,CRL OP NO. 31277 OF 2026

04-11-2026