



**Crl.O.P.No.14193 of 2024**

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**T.V.THAMILSELVI, J.**

The petitioner/A2, who was arrested and remanded to judicial custody on 10.05.2024 in FIR No.21 of 2024, for the offences punishable under Sections 294(b), 353, 509 of IPC, Section 4 of TamilNadu Prohibition of Harassment of Women Act, 2002 and Section 67 of Information Technology Act, 2000, seeks bail.

2. Learned counsel appearing for the petitioner submitted that the petitioner was originally arrested on 10.05.2024 in Delhi by the Trichy Cyber Crime Police. Subsequently, the respondent police re-arrested and remanded him on 17.05.2024. He further submitted that the petitioner has not committed any offence as alleged by the prosecution. On 03.05.2024, the defacto complainant watched an interview of the petitioner/A1 on a social media channel named “RED PIX 24\*7”. In the said interview, the petitioner/A2 is only an interviewer, he neither instigate any derogatory averments about women police nor did he speak anything against women police.

3. The learned counsel further submitted that the petitioner



being a journalist enjoys freedom of expression as guaranteed by the constitution, which right cannot be curtailed. Thereafter, the petitioner

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received notice under Section 91 and 160 Cr.P.C., through email to appear before the respondent police on 10.06.2024 with regard to the instant case. Later, on 03.05.2024, the case was registered against him in Crime No.21 of 2024 on the file of Trichy Cyber Crime Police Station and the respondent police seized 82 articles, including the original sale deeds of the petitioner's property, and subsequently enlarged him on bail. Again the Cyber Crime police in Coimbatore has arrested this petitioner in Crime No.123 of 2024 on 17.05.2024 and remanded him. While the bail petition was pending before the Magistrate Court in Trichy and taken into custody, and again while the bail petition was pending before the Judicial Magistrate No.4, Coimbatore, the Chennai Cyber Crime Police formally arrested this petitioner in Crime No.155 of 2024.

4. He further submitted that the respondent police with ulterior motives, filed a multiplicity of cases for the same incident just to harass the petitioner. On behalf of the petitioner, his media has published a regret and apology for the remarks said to have been uttered by A-1 in the said interview and also blocked the entire interview from his You Tube

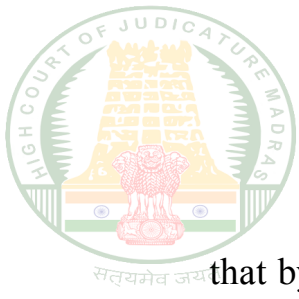


channel. He further submitted that the petitioner has been suffering incarceration from 17.05.2024 and he is ready to abide any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

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5. The respondent has filed a detailed counter.

6. The learned Additional Public Prosecutor appearing for the respondent police submitted that the defacto complainant is the Sub-Inspector of Police. He further submitted that the petitioner who was working for the promotion of democratic values, ought to have thought twice before broadcasting an interview which contains obscene and objectionable comments against women police officers. He further submitted that knowing about the contents of the video, the petitioner herein was broadcasted. Hence, the petitioner cannot escape from the clutches of law that he has nothing to do with the comments raised by the accused/A1. He further submitted that the petitioner ought to have acted as a responsible journalist and ought to have edited those objectionable comments.



7. The learned Additional Public Prosecutor further submitted

that by interviewing and broadcasting the said interview, this petitioner is in collusion with the first petitioner/ Savukku Shankar had committed the offence against the women police officers and it has been widely published in the social media. He further submitted that the petitioner is the editor and owner of the channel and he must be more vigilant in publishing the interview given by A1. The interview affects the women officers in the police department and virtually outrages the modesty of the women. He further submitted that the statements uttered by the accused/A1 and published by the accused/A2 becomes more vitriolic, derogatory, unwarranted and it affects the entire women officers serving in the Tamilnadu State Police Department. He further submitted that the petitioner/A2, the editor must be careful before publishing a derogatory content in the youtube channel. He further submitted that both the accused had conspired together and committed the offence to disturb the public peace. In the interview, the petitioner interviewed the Accused No.1 relating to the women police and for which the Accused No.1, has made some derogatory averment against women police. He further submitted that the petitioner has three previous cases pending against him, and the investigation is still pending, and however, he vehemently

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opposed for the grant of bail to the petitioner.

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8. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the materials available on record.

9. In the course of the argument, the learned Additional Public Prosecutor, placed before this Court about the Tamil version of the interview conducted by this petitioner along with other accused (A1). As interviewer, this petitioner put forth the questions to A1, which itself prima facie implies that most of the questions are aggravated in the interview in such a manner to degrade the woman folk. Most of the contents in the said interview also reveals that all the higher officials are addressed singularly with disrespectful manner. It is also pointed out that on the side of the prosecution, that near about 5 lakhs people viewed this programme, and for personal gain, such a derogative interview with a view to outrages the modesty of the woman, therefore the following ratio laid down in Kaushal Kishore Vs State reported in 2023(4) SCC 1, in para 251 of the judgment is squarely apply to facts of the case.

*“Every citizen of India must consciously be*



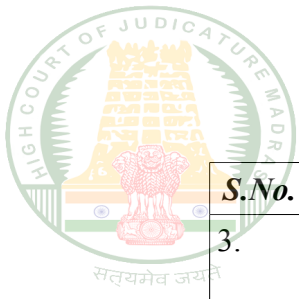
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*restrained in speech, and exercise the right to freedom of speech and expression under Article 19(1)(a) only in the sense that it was intended by the Framers of the Constitution, to be exercised. This is the true content of Article 19(1)(a) which does not vest with citizens unbridled liberty to utter statements which are vitriolic, derogatory, unwarranted, have no redeeming purpose and which, in no way amount to a communication of ideas. Article 19(1)(a) vests a multifaceted right, which protects several species of speech and expression from interference by the state. However, it is a no brainer that the right to freedom speech and expression, in a human rights-based democracy does not protect statements made by a citizen, which strike at the dignity of a fellow citizen. Fraternity and equality which lie at the very base of our Constitutional culture and upon which the superstructure of rights are built, do not permit such rights to be employed in a manner so as to attack the rights of another”.*

This petitioner/A2 is also having three previous cases of like nature, which is tabulated hereunder:

<b>S.No.</b>	<b>Police Station, Cr.No., U/s.,</b>	<b>Stage of the Case</b>
1.	Chennai SCCIC, Cr.No.5/2022, U/s.153A, 504, 505(1)(a), 505(1)(b), 505(2) IPC	Under Investigation
2.	Cyber Crime Police Station, Trichy, Cr.No.21 of 2024, U/s.294(b), 353, 509 IPC & 4 of TNPHW Act, 67 of IT Act	Under Investigation



<i>S.No.</i>	<i>Police Station, Cr.No., U/s.,</i>	<i>Stage of the Case</i>
3.	CCB-1/CCPS, Chennai, Cr.No.165/2024, U/s.294(b), 505(1)(b) IPC	Under Investigation

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10. Considering the fact that the petitioner has involved in three previous case and he is actively participated in the commission of offence, if he is released on bail, he may tamper or threaten the witnesses, hence, this Court is not inclined to grant bail to the petitioner. Therefore, this Criminal Original Petition stands dismissed.

**24.06.2024**

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**T.V.THAMILSELVI, J.**

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