

CRL OP(MD). Nos.14204 & 14262 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). Nos.14204 and 14262 of 2024

Durai Murugan @ Sattai Durai Murugan
S/o. Arunachalam,
Plot No.746, 7th Cross,
Shanmuga Nagar,
Uyyakondanthirumalai,
Trichy.

... Petitioner/Accused
in both petitions

Vs

The Inspector of Police,
Thillai Nagar Police Station,
Tiruchirappalli.

... Respondent/Complainant
in both petitions

For Petitioner : Mr.K.Swami Durai
for M.Dinesh Hari Sudarsan,
Advocate.

For Respondent : Mr.Veerakathiravan,
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

PRAYER :- For Anticipatory Bail in Crime No.547/2024
on the file of the Respondent Police.



CRL OP(MD). Nos.14204 & 14262 of 2024

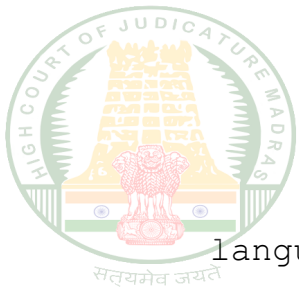
COMMON ORDER

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Heard Mr. K. Samidurai, the Learned Counsel for the Petitioner and Mr. Veerakathiravan, the Learned Additional Advocate General on behalf of the prosecution.

2. The Petitioner apprehends arrest in Crime No. 547 of 2024 Of 2024 for alleged offences under Sections 55, 61, 224, 351 (2), 352 and 353(2) of Bharathiya Nyaya Sanhita, 2023, r/w. Section 67 of Information Technology Act, 2000, and in Crime No.576 of 2024, for alleged offences under sections Sections 49, 61, 224, 296(b), 351 (2), 352 and 353(2) of Bharathiya Nyaya Sanhita, 2023, r/w. Section 67 of Information Technology Act, 2000.

3. The case of the prosecution is that the defacto complainant is a Police Officer. Feeling bad about comments made by the first accused in this case in an interview with the press reporters, he made a post on social media, "X", stating that the kind of



CRL OP(MD). Nos.14204 & 14262 of 2024

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language would not be palatable to the people of Tamilnadu. In response therefore, persons said to be the members of the political party of which the first accused is the President, have made comments on the thread. Most of the comments are with unparliamentary words, sexually coloured, vilifying not only the Police Officer but his family members. Similarly another post was made by the defacto complainant regarding the responses, in which again a series of tweets were made by many persons who are accused in this case. The comments are mentioned in detail in the first information reports and hence the cases.

4. At the outset, I am not agreeable with the Additional Advocate General that a Police Officer on duty is being targeted, because it was not his official duty to post on 'X'. Therefore, I proceed to consider this case by placing the defacto complainant as any other netizen commenting on a social platform.



CRL OP(MD). Nos.14204 & 14262 of 2024

5. Even considering from that perspective, a reading of the comments made by the accused is unparliamentary, disgusting and unpalatable. More importantly, it can be seen that these persons wanted to comment on the Police Officer and send him a political message, instead of doing the same, they have taken care to find out who was the wife of the Officer and made comments against her, mostly sexually coloured and calling her names, they have taken pains to find her picture and post the same and even some morphed pictures are also posted. This misogynistic depravity and looking at women as sexual objects is the core goondaism prevailing in our society leading to all crimes against women. Therefore, they have to be dealt with sternly.

6. We proudly call this part of the world as 'Tamizh koorum nallulagam'. Ancient Tamil Literature, *Aranericharam*, explains the nature of trauma these kinds of comments can cause. It reads as under :



CRL OP(MD). Nos.14204 & 14262 of 2024

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□எள்ளிப் பிறர் உரைக்கும் இன்னாச்சொல் தன் நெஞ்சில்

கொள்ளி வைத்தாற் போல் கொடிது எனினும் மெல்ல

அறிவு என்னும் நீரால் அவித்து ஒழுகல் ஆற்றின்

பிறிது ஒன்று வேண்டா தவம்.”

7. Thus it can be seen that these words are like alighting fire in one's heart and mind and can cause grave harm in the minds of the victim. Sadly, these persons do not seem to know that it is a public place / platform and there they stand exposing their illiteracy, depraved and corrupt minds and verbal violence. The said poem also gives a way to deal with such harm. It says one has to douse this fire with his wisdom. In the context of these virtual warriors, I believe that before responding, it is better to ask oneself, "Is the response necessary?"

8. Only because the petitioner personally has not made any comments, I am inclined to enlarge the



CRL OP(MD). Nos.14204 & 14262 of 2024

petitioner on anticipatory bail in both cases with certain conditions.

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9. Accordingly, these petitions are allowed and the petitioner in both the petition is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.IV, Tiruchirappalli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner 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;



CRL OP(MD). Nos.14204 & 14262 of 2024

(b) the petitioner shall report before the respondent police daily at 10.30 a.m, for a period of three 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 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]*; and;

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

(D B C J)
05.09.2024



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CRL OP(MD). Nos.14204 & 14262 of 2024

D.BHARATHA CHAKRAVARTHY, J

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TO

1. The Judicial Magistrate No.IV,
Tiruchirappalli
2. The Inspector of Police,
Thillai Nagar Police Station,
Tiruchirappalli.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN

CRL OP(MD) . Nos.14204 and 14262 of 2024

Date : 05/09/2024

8/8