



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP(MD) No. 16533 of 2026

Udhayanidhi Stalin (MLA),
S/o.M.K.Stalin,
No.25/9, Chitharanjan Salai,
(Cenotaph 2nd Street),
Teynampet,
Chennai – 600 018.

..Petitioner(s)

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thanjavur East Police Station,
Thanjavur District.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of BNSS seeking to enlarge the petitioner on Anticipatory Bail, in the event of his arrest, in connection with the case registered in Crime No.287 of 2026 on the file of the respondent police pending investigation.

For Petitioner(s):

Mr. N.R.Elango, Senior Counsel
Mr. Hasan Mohamed Jinnah, Senior Counsel
Mr.J.Ravindran, Senior Counsel
For Mr.E.Raj Thilak
Mr.K.M.D.Muhilan
Mr.S.Udayakumar

For Respondent(s):

Mr.Vijay Narayanan, Advocate General,
Mr.R.John Sathyan
State Public Prosecutor
Assisted by Mr.Arun Anbumani
Government Advocate (Crl. Side)

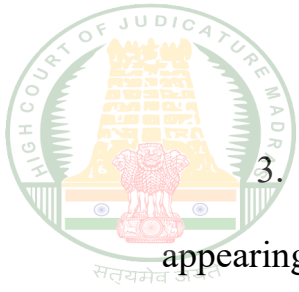


ORDER

WEB COPY

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 196, 192, 352, 79, 296(b), 61, 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman (Amendment) Act, 2002 and Section 67 of the Information Technology Act, in Crime No.287 of 2026 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the Leader of the Opposition in the Tamil Nadu Legislative Assembly and that, on 03.08.2026, the petitioner led a demonstration at Thanjavur regarding the Cauvery water dispute between Tamil Nadu and Karnataka. During his address, the petitioner stated that the Chief Minister of Tamil Nadu had not spoken about the Cauvery water issue, instead focused on filing false cases against the members of the petitioner's political party. Further, the petitioner also made some obscene remark against an actress by linking with the name of the Chief Minister of Tamil Nadu during the public demonstration at Thanjavur on 03.08.2026, thereby attracted offences under Sections 196, 192, 352, 79, 296(b), 61, and 351(2) of the Bharatiya Nyaya Sanhita, 2023, Section 4 of the Tamil Nadu Prohibition of Harassment of Woman (Amendment) Act, 2002, and Section 67 of the Information Technology Act. Therefore, the respondent registered the FIR in Crime No. 287 of 2026.



3. Today, Mr. Hasan Mohamed Jinnah, learned Senior Counsel appearing for the petitioner, mentioned the matter before this Court at 10.30 a.m. and sought permission to move an anticipatory bail petition for the petitioner pursuant to the registration of the FIR in Crime No. 287 of 2026 on the file of the respondent. This Court permitted the anticipatory bail petition to be taken up at 2.15 p.m.

4. At 2.15 p.m., Mr.N.R.Elango, learned Senior Counsel appearing for the petitioner submitted that the statement made by the petitioner is a political speech directed at the conduct of the State Government and is protected under Article 19(1)(a) of the Constitution of India. The meaning now attributed to the petitioner's statement is based on the interpretation of unknown persons on social media and it is not supported by the words used or the context in which they were used. The unknown persons have given an out-of-context interpretation to the petitioner's speech for political purposes. The petitioner never intended to insult the modesty of any woman. Hence, he prayed for the grant of anticipatory bail to the petitioner.

5. Per contra, Mr.Vijay Narayanan, learned Advocate General and Mr.R.John Sathyan, learned State Public Prosecutor, appearing for the respondent/State submitted that, pursuant to the registration of the FIR, the petitioner had already been arrested at Chennai by the respondent police and



was being taken to the respondent's police station for interrogation. He further submitted that they are not going to remand the petitioner and that, after questioning him, they would release the petitioner on station bail.

6. The question of maintainability of the anticipatory bail petition does not arise after the arrest of the petitioner. However, depending upon the facts and circumstances of the case, this Court is empowered to grant bail to the petitioner even in the anticipatory bail petition itself.

7. Recording the above submissions made by the learned Advocate General, the respondent is directed to release the petitioner, after questioning him, pursuant to the registration of the FIR in Crime No. 287 of 2026, today itself. The petitioner is also directed to co-operate with the respondent in the investigation as and when required.

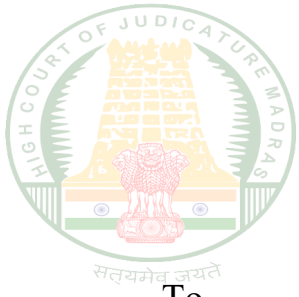
8. With the above direction, the Criminal Original Petition is ordered.

04.08.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

Note : Issue order copy today
ie., 04.08.2026

rts



To
WEB COPY

1.The Inspector of Police,
Thanjavur East Police Station,
Thanjavur District.

2. The Public Prosecutor,
Madras High Court.



WEB COPY

Crl.OP(MD)No. 16533 of 2



G.K.ILANTHIRAIYAN, J.

rts

CRL OP(MD) No. 16533 of 2026

04.08.2026