

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-08-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP Nos. 22419 & 22448 of 2026

and

CRL.MP.No.14881 of 2026

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..Petitioner in both
CRL.OPs

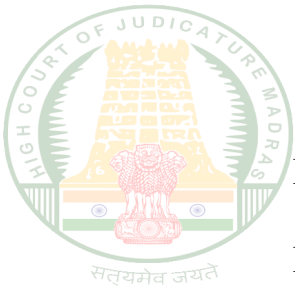
Vs

1. The State, represented by
Commissioner of Police, Chennai City,
Chennai.
2. The Inspector of Police,
Cyber Crime Wing, Chennai South,
Central Crime Branch-1, Chennai.
(In Crime No.23 of 2026)

..Respondents in both
CRL.OPs

PRAYER in CRL.OP.No. 22419 of 2026: Criminal Original Petition is filed under Section 528 of BNSS, praying to direct the Respondent police not to harass me and pass any such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

PRAYER in CRL.OP.No. 22448 of 2026: Criminal Original Petition is filed under Section 528 of BNSS, praying to set aside the conditions imposed in impugned notice dated 06.08.2026 of respondent No.2 and pass such further order or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.



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For Petitioner(s):

Mr.P.T.Perumal in both CRL.OPs

For Respondent(s):

Mr.M.Mohamed Riyaz
Government Advocate (Criminal Side)
in both CRL.OPs

COMMON ORDER

The prayer in Criminal Original Petition No.22419 of 2026 is to direct the respondent police not to harass the petitioner. The prayer in Criminal Original Petition No.22448 of 2026 is to set aside the conditions imposed in the impugned notice dated 06.08.2026.

2. The learned counsel for the petitioner would submit that, in connection with an interview given by the petitioner to a social media channel, a case has been registered in Crime No. 23 of 2026 for the alleged offences under Sections 352, 353(1) (b) and 196 of BNS, 2023. The petitioner had already approached the learned Principal Sessions Judge by filing an application for anticipatory bail. However, the respondent police are showing undue haste in proceeding against the petitioner. The said application is pending, and time is being sought by the learned Public Prosecutor for getting instructions. On the other hand, repeated notices are being issued under Section 35(3) of the BNSS, requiring the petitioner to appear on the very next day and on subsequent dates.



3. The learned counsel for the petitioner would further submit that the petitioner is being harassed and that the impugned notices, particularly the conditions imposed therein, have the effect of curtailing the petitioner's right to freedom of speech, which is violative of his fundamental rights. It is therefore submitted that the petitioner is entitled to the limited relief sought for in these petitions.

4. The learned counsel for the petitioner would also submit that the guidelines laid down by the Hon'ble Supreme Court in *Arnesh Kumar vs. State of Bihar*, reported in **(2014) 8 SCC 273**, have been violated in the present case and that the respondent police cannot insist upon the petitioner furnishing the information referred to in Clauses 6 to 10 of the notice issued under Section 35 (3) of the BNSS, 2023.

5. Per contra, the learned Government Advocate (Criminal Side) would submit that, since the matter is taken up as a lunch motion, he does not have any instructions. However, he would oppose the prayer for a direction not to harass the petitioner, since the petitioner is admittedly an accused in the case, even as per the averments made in the petitions.

6. As regards Criminal Original Petition No.22448 of 2026, the learned Government Advocate (Criminal Side) would submit that the conditions



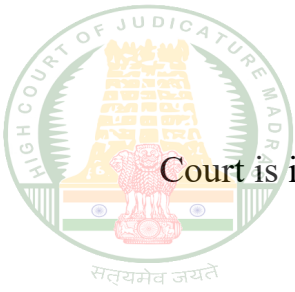
imposed in the notice cannot be treated as a violation of the petitioner's right to freedom of speech. According to him, the conditions are usual and regular conditions imposed pursuant to the directions issued by this Court in earlier cases.

7. I have considered the rival submissions made on either side and perused the materials available on record.

8. In view of the nature of the relief sought for and the order proposed to be passed, no further adjournment is granted to enable the learned Public Prosecutor to obtain further instructions in the matter.

9. It is not in dispute that the petitioner is an accused in Crime No.23 of 2026. The petitioner has rightly approached the appropriate Court seeking anticipatory bail, and it is for the said Court to consider the same in accordance with law. When the petitioner is an accused in a registered case, the prayer for a general direction not to harass cannot be entertained by this Court.

10. However, it is stated that the anticipatory bail application is pending consideration. Irrespective of the outcome of the said application, the petitioner is required to appear pursuant to the notices issued under Section 35(3) of the BNSS, 2023. Considering the limited relief sought for by the petitioner this



Court is inclined to grant the same.

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11. Accordingly, the petitioner shall appear before the respondent police pursuant to the notice issued under section 35(3) of the BNSS, 2023, on 13.08.2026 at 11.00 a.m.

12. With regard to the conditions imposed in the notice, the petitioner is at liberty to approach this Court with an appropriate prayer if the conditions are pressed to such an extent as to interfere with his fundamental right to freedom of speech or if the respondent police seek information which is not legally permissible or is directly connected with the alleged commission of the offence.

13. It is made clear that this Court is not expressing any opinion on the validity of each and every clause of the conditions imposed in the notice issued under Section 35(3) of the BNSS, 2023. The liberty of the petitioner to avail the same at the appropriate stage is kept open.

14. With the above directions and observations, these Criminal Original Petitions stand disposed of. Consequently, connected miscellaneous petition is closed.

10-08-2026

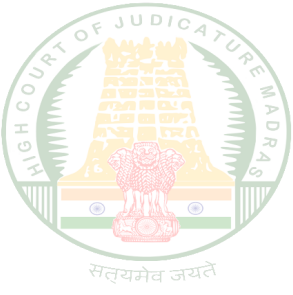
Neutral Citation: Yes/No
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To

1. Commissioner of Police,
Chennai City, Chennai.
2. The Inspector of Police,
Cyber Crime Wing, Chennai South,
Central Crime Branch-1, Chennai.
3. The Public Prosecutor, High Court, Madras.



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CRL OP Nos. 22419 & 22448 of 2



D.BHARATHA CHAKRAVARTHY J.

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