



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 27.6.2023.

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.13400 & 11077 of 2023

Prasoon Mishra

Petitioner in both cases

vs.

State rep. by
The Inspector of Police,
Tiruppur North Police Station,
Tiruppur City,
Tiruppur District.
(Crime No.337 of 2023)

Respondent in
Crl.O.P.No.13400/2023

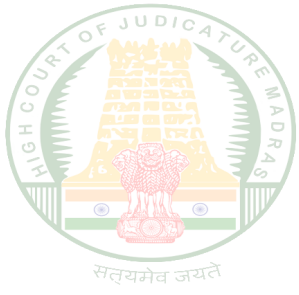
State rep. by
Inspector of Police,
Conventional Crime,
Central Crime Branch,
Avadi Police Commissionerate,
Avadi, Chennai-54.

Respondent in
Crl.O.P.No.11077/2023

Criminal Original Petitions filed under Section 438 Cr.P.C. seeking to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.337/2023 and 11/2023 on the files of the respective respondent-police.

For Petitioner : Mr.B.Kumar, Senior Counsel

For Respondents : Mr.N.S.Suganthan,
Government Advocate (Crl. Side)



ORDER

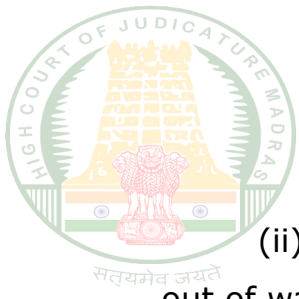
WEB COPY

The petitioner in Crl.O.P.No.13400 of 2023, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 153A, 505(1)(b), 505(2) IPC, in Crime No.337 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. In Crl.O.P.No.11077 of 2023, the same petitioner, apprehending arrest at the hands of the respondent police therein for the alleged offences punishable under Sections 153A, 505(1)(b), 505(2) IPC, in Crime No.11 of 2023 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution in Crl.O.P.No.13400 of 2023 is that on 03.03.2023 at 11.30 hrs, one Kannagi, the Special Sub Inspector of Police of Tiruppur North Police Station gave a written complaint stating that a false news was posted in the Twitter page of "Dainik Bhaskar" in Hindi and its English translated form with the help of Google was "BIHARI LABOURERS IN TAMIL NADU ARE BEING PUNISHED BY THE TALIBAN FOR SPEAKING HINDI. HINDI SPEAKING PEOPLE ARE NOW BEING KILLED IN THE DISPUTE ARISING OUT OF WAGES THE YOUTH OF JAMUI TOLD -12 LABOURERS WERE HANGED MORE THAN 15 WERE MURDERED". It contained the following four false news:-

(i) Bihari Laboureres in Tamilnadu are being punished by Taliban for speaking Hindi.



(ii) Hindi speaking people are now being killed in the dispute arising out of wages.

(iii) 12 Labourers were hanged, and

(iv) More than 15 were murdered.

3.1. As the said publication in the twitter was found apparently which intended to cause fear and alarm to the migrants from Bihar working in Tamil Nadu including Tiruppur, whereby they might be induced to commit offences against the State and against the public tranquility. It was prejudicial to the maintenance of harmony between the Biharis working as laboureres in Tamil Nadu and Tamil population which was likely to disturb the public tranquility, a case was registered by Senthilmurugan, the Sub Inspector of Police, in Crime No.337 of 2023 under Section 153-A and 505(1)(b) IPC against Dainik Bhaskar.

4. The case of the prosecution in Crl.O.P.No.11077 of 2023 is that the defacto complainant namely one Surya Prakash lodged a complaint before the Inspector of Police, T-11, Tirunindravur Police Station, in which he has stated that he is residing in the above address and he is the member of IT Wing of DMK Party, that he got an information in the social media platform of Twitter on 05.03.2023 at around 09.20 p.m "https://twitter.com/zoo-bear/status/1632408131354624000?t=H5pzx25WKup_CYkr_v11Dw&s=19 who retweet the post of http://twitter.com/ Opindia.com / status / 1631746272532238338?s=19,



WEB COPY

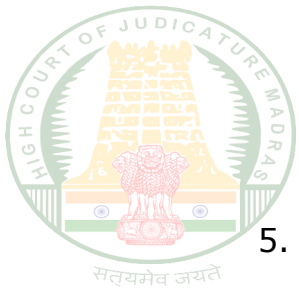
in which spreading such false news has created a sense of fear among the public and the workers who came from Bihar and other States to Tamil Nadu for work and there is a risk of conflict between the local people and people from Bihar. He searched the link in the Twitter posted by Opindia and the contents which read as follows:- "According to Arman, dead bodies of migrant laborers have returned to Jamui, Nawada and Lakshirai Districts in Bihar from Tamil Nadu. Biharis are fleeing Tamil Nadu on pretext or the other which is why it is becoming difficult to even get train tickets said Arman. Arman went on to say that a friend of his was attacked and four of his fingers were severed in front of him because he spoke Hindi. Further, he alleged that 12 workers were hung to death in one room, raising the total number of Hindi speaking workers murdered. One Shraavan Kumar who is another Bihari labourer worked in Tamil Nadu and returned home two days ago, claimed the situation in the State is exceedingly dangerous with Bihari migrant labourers being targeted and cruelly murdered in the State. Local wants us to return to Bihar accusing us of snatching their employment, they are stabbing us wherever they see us and our employers and local officials are of no help. We were terrified Shraavan Kumar lamented. The situation of the Hindi speaking labourers in Tamil Nadu is quite dismal. Rohith Kumar, a resident of Sikandara Village who returned from Tiruppur today stated. They intend to drive away all Hindi speaking people from the State. 14 persons have been killed so far.



WEB COPY

4.1. When none of the events mentioned in the above news took place in "Tamil Nadu and the people are very calm such false news has been spread". Apart from this Opindia.com website has published a report quoting that Hindi daily one Dainik Baskar has published a report stating that several migrant laborers originally from Jamuai District in Bihar working in Tamil Nadu have confirmed these attacks. They have alleged that as many as 15 people have lost their lives in the "Taliban" style attacks being carried out against the Hindi speaking migrant laborers in the State. As a result, terror has gripped these migrant laborers who are now fleeing in the State in large numbers. Further, "Opindia.com" is an online news publishing website having "Twitter" account handled Opindia. It is pertinent to mention that Opindia has considerable followers which had further paved way to circulate the fake news rapidly which caused unrest. This has been widely circulated in various social media throughout India. The alarming tweet has been re-tweeted by about 3528 twitter users, fetched 9142 likes and 209 quote tweets has been done by more than one Lakh viewers.

4.2. Finding that it caused annoyance to the public tranquility the complaint was lodged.



WEB COPY

5. It is submitted that based on the complaint, a C.S.R was assigned in T-11 Tirunindravur Police Station in C.S.R.No.91 of 2023 and a case was registered in T-11 Tirunindravur Police Station in Cr.No.43 of 2023, u/s.153(A)(1), 505(1)(b) and 505(2) IPC on 06.03.2023 at about 17.00 hours by one Radhakrishnan, the Inspector of Police, T-11 Tirunindravur Police Station, who took up the case for investigation.

6. It is submitted that the case is related to Cyber Crime Domain, so the Inspector of Police, T-11, Tirunindravur Police Station transferred the case to Central Crime Branch, Avadi, based on the instructions of the Commissioner of Police, Avadi, Commissionerate, Avadi vide in Rc.No.54/8291/Crime-1 (1) / APC/ 2023, dated 09.03.2023. After registration of this case from the Station concerned, assigned a new Crime No.11 of 2023, u/s.153(A) (1), 505(1) (b) and 505(2) IPC in CCB, Avadi on 10.03.2023, pending arrest in both the cases, the petitioner has approached this Court seeking anticipatory bail.

7. Mr.B.Kumar, learned Senior Counsel assisted by Mr.Yogesh Kanna, learned counsel appearing for the petitioner would submit that the petitioner is the News Editor of the Digital Division of Hindi Newspaper namely "Dainik Bhaskar". He would submit that the publication group had launched its debut edition in Hindi Daily on 13.08.1958 in Bhopal and it



WEB COPY

has a wide circulation throughout four States in North India. He would submit that the group has a readership about 6.63 crores and has a strong presence in radio business along with e-paper operations. The publication has also created a twitter handle on 20.08.2009 with the user name @ dainikbhaskar. This group has got several reporters throughout 13 States in India, and it has been collecting news through trained journalists. One of the Reporters, one Vijay Singh Baghel, who is the Senior Correspondent had continuously reported for three days from Tamil Nadu on March 5th, 6th and 7th and also had interviewed four persons on 02.03.2023 from Tamil Nadu. Based on the inputs given by him, the videos were published in the twitter handle. Subsequently, they were also reported in the newspaper and the same was also widely circulated. On the same day, around 2.11 pm the Director General of Police, Tamil Nadu had circulated a whatsapp message and in the other form of media stating that the reports were fake. Immediately coming to know about the same, the videos were removed from the web and they have also published a news article stating that the videos sent by the reporter is fake.

7.1. He would submit that the publication functions strictly on the basis of information received from its reporters and only after due diligence, the corrected and updated story will be published in all the forms of media. He would submit that the petitioner had no intention to



WEB COPY

create panic among the migrants in the State of Tamil Nadu or to promote enmity between different groups on the grounds of place of birth, language, residence etc. He would further submit that the petitioner has tendered his unconditional apology to this Court as well as to the people of Tamil Nadu for publishing a news, without verifying the veracity of the same. He would submit that he has also filed an affidavit of unconditional apology before this Court and that the petitioner is ready to co-operate with the respondent in the investigation and he seeks for anticipatory bail.

8. The respondents have filed a detailed counter in both the cases.

9. Learned Government Advocate (Criminal Side) appearing for the respondents would submit that it is a very serious and sensitive matter. The petitioner who claims to be the news editor of a leading magazine, without verifying the veracity of the news, had uploaded the contents which were likely to create panic among the migrants in the State of Tamil Nadu or to promote enmity between different groups on the grounds of place of birth, language, residence, etc. He would submit that the situation was very tense throughout the country. Relying on the report of the petitioner, several other youtubers have also raised alarm and created panic in the minds of viewers throughout the country and elsewhere. He would submit that the petitioner, being very insensitive and irresponsible,



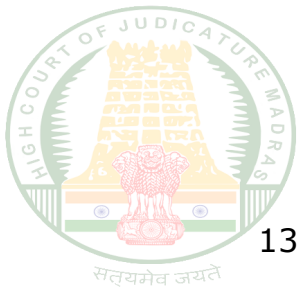
WEB COPY

had published the matter without taking into consideration the consequences which would have resulted. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

10. Heard Mr.B.Kumar, the learned Senior Counsel assisted by Mr.Yogesh Kanna, the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondents and perused the material available on record including the F.I.R.

11. The allegation levelled against the petitioner is that he being an Editor of a reputed News Media Group, had spread a false and fake news in the Media as if people from a particular part of the nation are being violently attacked in Tamil Nadu and thereby he had created panic in the public and caused hazard and annoyance to public tranquility.

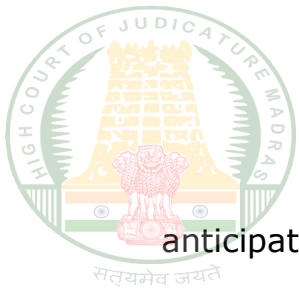
12. While dealing with a public interest litigation filed for redressal of grievances of migrant labourers during the pandemic period, the Apex Court in ***Alakh Alok Srivastava vs. Union of India*** (2020 SCC OnLine SC 345) has observed that the Media (print, electronic or social) is expected to maintain a strong sense of responsibility and ensure that unverified news capable of causing panic is not disseminated.



WEB COPY

13. The petitioner in the case on hand claims to be an Editor of a reputed publication which is in existence from the year 1958 and the publication group to which he belongs has a wide circulation throughout four States in North India. The Media is considered to be the fourth pillar of the democracy as it carries with such a huge power and responsibility as public repose their trust and confidence in the Media. The Media and Press need to adopt their professional ethics and take care of public interest instead of concentrating on sensational news alone for promoting their own commercial interest. Such a bounden duty cannot be shirked by them under the guise of freedom of speech.

14. Such being the expectation of the democratic system, it is painful to note that the petitioner, without verifying or exercising due diligence to find out the veracity of the news and without understanding the sensitivity, merely in order to sensitize the public, had published a fake news. This Court strongly deprecates the act of the petitioner in publishing such a sensitive news, without verifying the correctness of the same. However, taking into consideration the unconditional apology rendered by the petitioner and the undertaking made on his behalf that he would publish a Corrigendum in the homepage itself that the news published by him is a fake one and that he would be more vigilant not to indulge into any such activities in future, this Court is inclined to grant



anticipatory bail to the petitioner with certain conditions.

WEB COPY

15. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready,

(i) before the learned **Judicial Magistrate, Tiruppur** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** (in respect of CrI.O.P.No.13400/2023) and

(ii) before the learned **Judicial Magistrate No.II, Tiruvallur** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** (in respect of CrI.O.P.No.11077/2023)

with two sureties for a like sum to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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;

[b] the petitioner shall report before the Inspector of Police, (Conventional Crime) Central Central Crime Branch, Avadi Police Commissionerate, Avadi, daily at 10.30 a.m., for a period of one week,



thereafter before the Inspector of Police, Tiruppur North Police Station, Tiruppur District, daily at 10.30 a.m., for a period of one week.

WEB COPY

[c] the petitioner shall also publish a Corrigendum in the first page/homepage in all the publications contending that they had published a fake news, without verifying the truth and veracity of the same and nobody should follow and post the same and tendering unconditional apology to this court and the people of Tamil Nadu;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

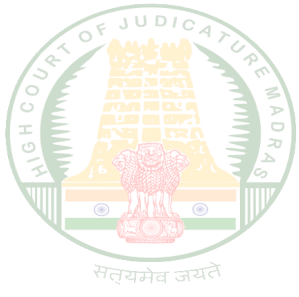
[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down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

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

16. Post the matter **after four weeks** under the caption "**for reporting compliance**".

27.06.2023.

Anu/ssk.



WEB COPY



A.D.JAGADISH CHANDIRA.J,

Anu/ssk

Crl.O.P.Nos.13400 & 11077 of 2023

27.06.2023