

APHC010522022024



**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

[3457]

TUESDAY ,THE TENTH DAY OF DECEMBER  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE SRI JUSTICE HARINATH.N**

**CRIMINAL PETITION NO: 8376/2024**

**Between:**

Ramgopal Varma

**...PETITIONER/ACCUSED**

**AND**

The State Of Andhra Pradesh

**...RESPONDENT/COMPLAINANT**

**Counsel for the Petitioner/accused:**

1.RAJAGOPALLAVAN TAYI

**Counsel for the Respondent/complainant:**

1.PUBLIC PROSECUTOR

**The Court made the following Order:**

The petitioner is alleged to have committed offenses under Sections 336(2), 353(2), 366(2), 61(2), 196, 352 B.N.S and 67 of the Information Technology Act, 2000-2008.

2. It is alleged by the de facto complainant that, on 10.11.2024, while he was accessing his Twitter account on his mobile phone, he came across three postings on the Twitter account of the petitioner. The de facto complainant on noticing the said postings, found them to be defamatory and objectionable.

The de facto complainant filed a complaint before the Station House Officer at Maddipadu Police Station, alleging that he is the General Secretary of a political party and that the postings were objectionable to the interest of the party to which the de facto complainant belongs. On the strength of the complaint, the police have registered a case and have begun the investigation.

3. It is submitted by the learned counsel for the petitioner that the posts, which form the subject of the complaint, were posted on 18.12.2023, 24.12.2023 and 02.05.2024. It is also submitted that these postings were also the subject matter of a writ petition before the High Court of Telangana in W.P.No.34681 of 2023 and as well as the subject of O.S.No.577 of 2023 on the file of II Additional Chief Judge, City Civil Court, Hyderabad.

4. It is submitted by the learned counsel for the petitioner that the suit O.S.No.577 of 2023 was subsequently withdrawn and the writ petition filed by the political party was allowed by the High Court of Telangana on 22.01.2024. Furthermore, it is submitted that the W.A.Nos.56 and 59 of 2024 were preferred against the order of the learned Single Judge and the Division Bench of the Telangana disposed off the writ appeal with a direction to the Chairman of the Central Board of Film Certification to reconstitute a reviewing committee and the committee to review the movie and duly communicate its

decision by an order dated 05.02.2024. It is further submitted that the movie was subsequently released and the postings related to its promotion.

5. The learned counsel for the petitioner submits that the offenses alleged against the petitioner would not be applicable to the present allegations as stated in the complaint.

6. The learned Public Prosecutor, appearing for the State, submits that the petitioner has committed offenses under Sections 336(2), 353(2), 366(2), 61(2), 196, 352 B.N.S, 67 of the Information Technology Act, 2000-2008. It is submitted that the petitioner intentionally violated Section 353 by posting defamatory content on his Twitter account.

7. It is also submitted that the petitioner was initially served with a notice under Section 35(3) of the B.N.S, requiring the petitioner to appear before the concerned Station House Officer for investigation. The case diary is submitted by the learned Assistant Public Prosecutor, categorically reveals that the account belongs to the petitioner. It is submitted by the learned Assistant Public Prosecutor that the petitioner has been non-cooperative with the police during the investigation. The petitioner has submitted a reply to the notice seeking additional time and in the interim, has approached this Court and filed the petition seeking bail before arrest.

8. Additionally, it is submitted by the learned Public Prosecutor that the petitioner has been involved in eleven crimes registered from the year 2014 onwards and these offenses reflect the conduct of the petitioner. The learned Public Prosecutor submits that, since the investigation is at an advanced stage and due to the petitioner's non-cooperation, the petition filed by the petitioner deserves to be dismissed.

9. Heard the learned counsel for the petitioner and the learned Public Prosecutor and perused the record as well as the case diary submitted by the learned public prosecutor. It is evident from the case diary also that the postings were made in the petitioner's Twitter account in the months of December 2023 and May 2024. The provision of law with respect to 336(2) would not be applicable insofar as the present facts and circumstances are concerned. So far as the applicability of other provisions of law and establishment of the crime, the police will be required to complete their investigation.

10. Considering the same, it would be appropriate for the petitioner to cooperate with the investigation. The petitioner shall be released on bail in the event of arrest, subject to the following conditions:-

- i) The petitioners shall furnish a personal bond of Rs.20,000/- with two sureties for a like sum, to the satisfaction of the Station House Officer, Maddipadu Police Station.
  - ii) The petitioners shall cooperate with the investigation and appear before the police for investigation as and when required for the purpose of investigation.
11. With the above conditions, the criminal petition is **allowed**.

Miscellaneous petitions, if any pending, in the Criminal Petition, shall stand closed.

JUSTICE HARINATH.N

10.12.2024

NKA

HONOURABLE SRI JUSTICE HARINATH.N

**Cri.P.No.8376 of 2024**

**(Allowed)**

**Date: 10.12.2024**

NKA