



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF MAY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 1857 OF 2026

(439(Cr.PC)/483(BNSS))

BETWEEN:

SRI. NINGARAJ GULAPPA
TALAVAR
S/O GULAPPA TALVAR
AGED ABOUT 25 YEARS
R/AT POST YALIWAR,
VITHALAPUR, YALIWAL,
DHARWAD – 581 207



...PETITIONER

(BY SRI. MANOJ S N., ADVOCATE)

AND:

STATE OF KARNATAKA
BY CYBER CRIME POLICE STATION,
BENGALURU CITY,



REPRESENTED BY THE SPP,
HIGH COURT OF KARNATAKA,
BENGALURU – 560 001

...RESPONDENT

(BY SMT. PUSHPALATHA B., ADDL. SPP)

THIS CRL.P FILED U/S 439 CR.PC (FILED U/S 483 BNSS)
BY THE ADVOCATE FOR THE PETITIONER PRAYING TO
ENLARGE THE PETITIONER/ACCUSED NO.4 ON BAIL IN
CR.NO.69/2025 FOR THE OFFENCE P/U/S 67 AND 66(C) OF I.T
ACT 2000 AND U/S 351(3), 352, 75(3), 351(2), 79 R/W 3(5)
OF BNS 2023 PENDING ON THE FILE OF 45TH ADDL. JUDICIAL
MAGISTRATE BENGALURU IN CR.NO.69/2025.

THIS CRIMINAL PETITION HAVING BEEN HEARD
AND RESERVED ON 08.04.2026, COMING ON FOR
PRONOUNCEMENT OF JUDGMENT, THIS DAY, THE COURT
MADE THE FOLLOWING:-

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



CAV JUDGMENT

1. This criminal petition is filed by the petitioner who is arrayed as accused No.4 in Crime No.69/2025 filed by the respondent – Police for the offences punishable under Section 67, 66(C) of Information Technology Act, 2000 and under Section 351(3), 352, 75(3), 351(2) and 79 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (*for short BNS*).

Factual matrix of the case:

2. The case of the prosecution is that the complainant is the wife of eminent film actor. The film in which her husband played a lead role was released on 11.12.2025. The complainant had participated in the programme held at Davangere on 21.12.2025 and made certain statements in the said event. However, her statement has been misinterpreted and it is alleged that derogatory comments were allegedly posted on social media platforms by some unknown persons. On going through the said comments, the complainant had lodged a complaint before the respondent – Police. The respondent - Police registered a case and conducted investigation. The investigation is under progress.



3. Heard Sri. Manoj S.N. learned counsel for the petitioner and Smt. Pushpalatha B., learned Additional Special Public Prosecutor for respondent – State of Karnataka.

4. Learned counsel for the petitioner submits that the allegations made against the petitioner is that he has posted a comment on one existing social media post. It is not the case of the prosecution that the petitioner has uploaded any post, created any content or disseminated any material. It is further submitted that to attract the ingredients of Section 67 of the IT Act, 2000, it requires a publication or a transmission of obscene material by the accused person. The act of posting a comment on the existing post without uploading or disseminating any obscene material does not satisfy the essential ingredients of the said provision. The petitioner is a reputed person and he has deep route in the society. He is aged about 25 years and he is a resident of Yaliwal, Dharwad. He will abide the conditions imposed by this Court in the event of his release on bail. Making such submission learned counsel for the petitioner prays to allow the petition.



5. Learned Additional Special Public Prosecutor for respondent – State of Karnataka vehemently submitted that the petitioner has committed a heinous offence. He has made certain derogatory comments against the victim. The investigation is under progress. The cyber crime has become a menace to the society. A person sitting in a different place with a device in their hands feels entitled to do anything and everything according to their means and chances by troubling innocent persons/innocent citizens. In order to regulate such menace to the society, it is necessary to reject the bail petition. Making such submission learned Additional Special Public Prosecutor for respondent – State of Karnataka prays to reject the petition.

6. Having heard learned counsel for the respective parties and on perusal of the averments of the complaint, it appears that, as per the averments of the remand application, the petitioner herein is arrayed as accused No.4. He is having a Facebook account in the name of "Prince Chinna". He made a derogatory comment from his account against the complainant in such a way that it has directly affected her decent life.



7. It is further stated that the mobile phone of the petitioner was seized by the respondent police and the preliminary investigation would indicate that the petitioner has committed a heinous offence and disrepute the character of the complainant.

8. No doubt, freedom of speech of expressions are guaranteed to its citizens under the constitution of India. However, every such right has its reasonable restrictions. Exceeding such restrictions or invading the personal liberty of another person, certainly would be an offence and it would be dealt with in accordance with law.

9. It is needless to state that the Social Media as its responsibility to maintain decorum and also to instill the confidence in the minds of the citizens of this Country. The persons who are making comments on any issues have to maintain public peace and order. Making a baseless, false, frivolous and intimidating messages are required to be regulated by the Company itself, if not, Courts are required to secure the confidence of the citizens of this Country by way of



interfering with such comments on the social media which violates the fundamental rights of any citizens of this Country.

10. It is significant to state that Courts are not mute spectators. Whenever interference is required, the Courts without hesitation, will step into safeguarding the rights and interests of individuals or the public, guaranteed under the Constitution of India.

11. In the light of the observations made above, I hold that the petition deserves to be rejected.

12. Ordered, accordingly.

**Sd/-
(S RACHAIAH)
JUDGE**

NM