



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/10/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.10339 of 2020

Rajeshkanna

... Petitioner/ Sole Accused

Vs

The State rep. by
The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
(Cr.No.918 of 2020).

... Respondent/Complainant

A.P.K.Palaniselvam

... Petitioner/Intervener/
Defacto Complainant
(in CRL MP(MD) No.4887/2020
in CRL OP(MD) No.10339/2020)

For Petitioner : Mr.M.Prabu, Advocate.

For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Criminal Side)

For Intervener : Mr.C.Mayilvahana Rajendran, Advocate

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

PRAYER :-

For an Anticipatory Bail in Cr.No.918 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b) and 506(ii) of IPC and Section 66 of Information Technology Act, in Crime No.918 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioner said to have blackmail the defacto complainant and also demanded money from him over phone. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioner and

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the intervener/defacto complainant and the learned Government Advocate (Criminal Side) appearing for the respondent.

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the defacto complainant is a president of one Society and he has also conducted illegal gravel quarrying, which was questioned by the petitioner, due to which, he has been falsely implicated in this case. Hence, he seek anticipatory bail.

5.The learned counsel appearing for the intervener/defacto complainant submitted that since the petitioner being a political party, he has demanded money from the business people. He further submitted that on 21.09.2020, the petitioner has demanded money from him over phone and also send message against the defacto complainant in the social Media.

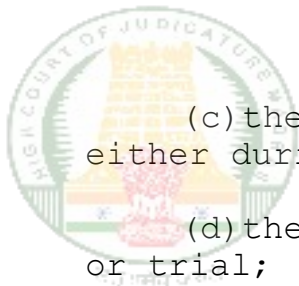
6.The learned Government Advocate (Criminal Side), appearing for the respondent Police submitted that the petitioner said to have threatened the defacto complainant and also demanded money over phone and send defamatory message in the social media.

7.Considering the facts and circumstances of the case and also considering the rival submissions made on either side and on perusal of the materials available on records, it is seen that the defacto complainant is running a school and quarry and the petitioner said to have sent message in the social media alleging that the defacto complainant has committed illegality, considering the above circumstances and there is no other serious allegation against the petitioner, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Kovilpatti, Thoothukudi District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and 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 respondent police daily at 10.30 a.m until further orders.



(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

WEB COPY (e)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]; and;

(f)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/10/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.I
KOVILPATTI, THOOTHUKUDI DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.10339 of 2020
Date :01/10/2020

VSG

<https://hccs.esojm.gov.in/Adm-ITs/> 06.10.2020/ 3P/5C