



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8083 of 2022

P.SELVARAJAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
SALEM DISTRICT.
CRIME NO.3 OF 2022.

[RESPONDENT]

For Petitioner : M/S.M.RAKHI Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence **under Sections 387 and 506(i) of Indian Penal Code** in Crime No.3 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).

3. The case of the prosecution is that the petitioner herein has demanded Rs.75,00,000/- from the defacto complainant to withdraw the PIL-writ petition in W.P.No.21586 of 2017 which has been filed against the defacto complainant for illegal constructions. Hence, the complaint.

4. The learned Counsel for the petitioner submits that the petitioner is a social worker and has filed several writ petitions against illegal and unauthorised constructions. Being aggrieved, false complaint registered against him as if he demanded money to withdraw the PIL. He has not withdrawn any of his PIL and the allegation, he demanded money to withdraw the PIL is false. He



further submits that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

5. The learned counsel for the defacto complainant intervened and apposed anticipatory bail stating that the petitioner is a black mailer and using PIL as a tool involved in extortion.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with a caveat that if the statement made by the learned counsel for the petitioner that none of the PIL filed by the petitioner was withdrawn is found to be false, the anticipatory bail stand cancel without any further reference to this Court.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No. VI at Salem** on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only), with two sureties each 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(c) **the petitioner shall report before the Investigating Officer daily at 10.30.a.m., until further orders;**

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

(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 has 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



8. The conditions (a) to (f) in paragraph 7 are in addition to the condition mentioned in para 6.

-sd/-
07/04/2022

WEB COPY

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.VI, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
SALEM DISTRICT.

+1 CC to M/S.M.RAKHI Advocate on payment of necessary charges
SR.NO.5428

CRL OP.8083/2022

Date :07/04/2022

TA-19/04/2022