



Crl.O.P.No.26426 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

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

Crl.O.P.No.26426 of 2022

and

Crl.M.P.No.16719 of 2022

K.Rajendran

... Petitioner

Vs.

The State represented by,
The Sub Inspector of Police,
District Crime Branch,
Salem District.

(Crime No.8/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.8 of
2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.A.Rajakumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

For Intervenor : Mr.R.Shivakumar for
Mr.K.M.Vijayan Associates



Crl.O.P.No.26426 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.09.2022, for the offences punishable under Sections 120-B, 385, 506(ii) @ 120-B, 387 and 506(ii) of IPC in Crime No.8 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, who is a Doctor by profession, is that he has constructed a new hospital at Attur and the accused, by holding that the de-facto complainant had constructed the hospital in violation of the building rules, had continuously threatened him and demanded and extorted the money from him for not to proceed against him legally and the further allegation is that the extortion has started from the month of February 2022 and the complaint has been preferred to the respondent on 26.07.2022. Based on his complaint, the present case has been registered for the offence under Sections 120-B, 385, 506(ii) and altered to one under Sections 120-B, 387 and 506(ii) of IPC. Hence, the case.



Crl.O.P.No.26426 of 2022

WEB COPY

3. The learned counsel appearing for the petitioner would submit that the petitioner is a social activist and that the de-facto complainant violating the building rules, had constructed hospital, which caused danger to the patients admitted in the hospital, due to which, a complaint has been given as against the Doctor for illegal construction. He would also submit that since, the Doctor is an influential person in the society, using his influence with authorities, he has been threatening the petitioner by calling his caste name and the respondent did take any action on the petitioner's complaint, due to which, the petitioner has also approached this Court in Crl.O.P.No.8290 of 2022 seeking for a direction to conduct enquiry on his complaint and to provide adequate police protection to him and this Court, by an order dated 08.04.2022 had directed the respondent to conduct due enquiry. He would further submit that subsequently, since the respondent did not take any action, the petitioner had also filed a complaint before the National Commission for Scheduled Caste and also before the State Human Rights Commission, which was taken up in SHRC case No.7153/22/31/2022. He would also submit that while so, this case has been foisted as against the petitioner and he was arrested and he has been in custody from 24.09.2022



Crl.O.P.No.26426 of 2022

and he is ready to abide by any stringent condition that may be imposed on him. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit the petitioner claiming to be a social activist had demanded and extorted the money from the de-facto complainant alleging that the de-facto complainant had constructed the building in violation of the building rules. He would also submit that there are call records to show that the petitioner had threatened the de-facto complainant and extorted money from him. Hence, he oppose for grant of bail to the petitioner.

5. The learned counsel for the Intervenor would submit that the de-facto complainant is the practising Doctor, who had put up a hospital construction at Attur by his hard and dedicated work. The accused along with his associates claiming to be the social activists have been continuously harassing the de-facto complainant and demanding money from him. The accused and his associates have also filed several vexatious petitions before



Crl.O.P.No.26426 of 2022

this Court and they have been dismissed by this Court. Therefore, he oppose for grant of bail to the petitioner.

6. Heard both the learned counsel for the petitioner and the Intervenor and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also taking note of the allegation as against the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the Criminal Miscellaneous Petition is ordered and the petitioner is ordered to be released on bail on his executing 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 **learned Judicial Magistrate No.VI, Salem District** and on further conditions that:



Crl.O.P.No.26426 of 2022

[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 stay at Panagudi, Tirunelveli District and report before the Inspector of Police, Panagudi Police Station, everyday at 10.30 a.m. and 5.30 p.m., until further orders;

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

[d] the petitioner shall not tamper with evidence or witness 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 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]***;

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

04.11.2022

ham



WEB COPY



Crl.O.P.No.26426 of 2022

To

1. The Judicial Magistrate No.VI,
Salem District.
2. The Sub Inspector of Police,
District Crime Branch,
Salem District.
3. The Central Prison,
Salem.
4. The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.26426 of 2022

A.D.JAGADISH CHANDIRA.,J.

ham

**Crl.O.P.No.26426 of 2022
and
Crl.M.P.No.16719 of 2022**

04.11.2022