



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc. Bail Application No. 10798/2024

Manish Rathore S/o Mohanlal, aged About 37 years, resident of
18, Durga Colony, Ramdev Road, Pali.
(Presently lodged in District Jail, Pali)

-----Petitioner

Versus

State of Rajasthan through PP

-----Respondent

For Petitioner(s) : Mr. Vineet Kumar Jain, Sr. Advocate
with Mr. Harshwardhan Singh
Rathore.
For Respondent(s) : Mr. Ramesh Dewasi, PP with
Mr. Om Prakash Choudhary.
Dr. Sachin Acharya, Sr. Advocate with
Mr. Dinesh Kumar Godara (for the
complainant-Rinki Singh).

HON'BLE MR. JUSTICE RAJENDRA PRAKASH SONI

Order

REPORTABLE

29/08/2024

1. Arrested in furtherance of FIR No.250/2024, registered at Police Station Kotwali, District Pali, petitioner has filed this application under Section 483 BNSS (Section 439 of old Code) for releasing him on bail. The petitioner is charged for offences punishable under Sections 384, 327 and 506 of the Indian Penal Code.

2. Let me briefly mention the facts germane for disposal of present petition. That complainant Rinki Singh filed a report on 14.05.2024 stating that he owns a spa named "Krishna Therapy". A few months ago, petitioner came to the spa, claimed to be a



journalist and demanded Rs.20,000/- per month from the complainant in order to continue running the spa. The petitioner then started recording a video of the spa and threatened to make the video viral if his demands were not met. The complainant gave him a total of Rs. 30,000/- for two months. However, a few days ago, the petitioner came again and demanded a mobile phone, threatening that if the complainant did not comply, he would not allow the spa to operate. The petitioner further threatened to make the video viral and defame the complainant in the community. The complainant asserts that the petitioner is extorting money from him despite no immoral or illegal activities being conducted at the spa and that he is being blackmailed through undue pressure.

3. To begin at the beginning Shri Vineet Kumar Jain, learned Senior Advocate assisted by the learned counsel Mr. Harswardhan Singh Rathore, representing petitioner has fervently argued that after the investigation, a charge-sheet has been filed against the petitioner. He is in custody since 16.05.2024 and the case is triable by Magistrate. The petitioner had previously lodged a complaint against the complainant before the competent authorities, alleging that illegal activities were being conducted under the guise of the spa. Present F.I.R., therefore, appears to have been filed to pressurize the petitioner into settling the matter. It is further argued that the petitioner is innocent person and a false case has been foisted against him; that entire allegations so leveled by the complainant against the petitioner is



totally false and baseless. Concluding submissions, he asserted that petitioner is entitled to be enlarged on bail.

4. Per contra, learned Public Prosecutor assisted by learned Shri Sachin Acharya, Senior Advocate with learned counsel Mr. Dinesh Kumar Godara, representing the complainant, has opposed the petition and submitted that the petitioner is illegally extorting money and blackmailing people by threatening them under the guise of journalism. He is a habitual offender in this type of crime and several other individuals have lodged similar first information reports against him. A total of 10 cases are registered against him in various police stations in Pali city, five of which involve money extortion, all occurring in the year 2024. The petitioner has become so audacious that he has even hacked the ID of a police inspector and misused it, prompting the police inspector to file F.I.R. against him as well. The petitioner has blackmailed many people in Pali City in a similar manner, but generally, due to fear, no one comes forward or dares to file F.I.R. The petitioner is tarnishing the reputation of journalism by misusing its name and has become addicted to illegal earnings. His unlawful activities are still ongoing and he is now sending his father to the complainant to pressurise him to come to compromise. The complainant has also been threatened by father of petitioner, leading to a separate complaint being filed. A complaint under Sections 126 and 135 of the B.N.N.S. has been submitted in the competent Court against the petitioner's father by the SHO of Police Station Industrial Area. Given these facts and circumstances, if the petitioner is released on bail, it is likely that neither the complainant nor other



witnesses will have the courage to testify against the petitioner during the trial. This could further embolden the petitioner, posing an extreme danger to the citizens.

5. It was further argued that there is overwhelming evidence adduced on record which would prima-facie point towards the guilt of the applicant; that keeping in view the gravity of offence alleged to have been committed by him, he does not deserve any leniency, rather they need to be dealt with severely. Therefore, petitioner does not deserve to be released on bail.

6. I have given my thoughtful consideration to the arguments advanced by learned counsel for the parties and have perused the record carefully.

7. Having given anxious consideration to the rival submissions and having examined the record, I am clearly of the view that the petitioner is accused of extorting money from the complainant by threatening to defame his spa center and ruin his business. It is alleged that despite, the complainant carrying on his legitimate business, the petitioner continued with his illegal demands, coercing the complainant under the threat of reputational harm and business disruption.

8. Similarly, a total of five First Information Reports have been registered in Pali city in the year 2024 against the complainant of money extortion. Out of which, first F.I.R. involves extorting money from a person by threatening him with a video terming the construction of his house illegal. The second F.I.R. concerns extorting money from a person terming his transportation of *Bajari* illegal and demanding a monthly payment, threatening to



defame him if he did not comply. The third F.I.R. has been filed by a police inspector, accusing the petitioner of misusing his ID and password thereafter committing fraud by impersonating him.

9. It *prima facie* appears that the filing of these five reports against the petitioner is merely illustrative, as in such cases victims often do not come forward to file F.I.R. due to fear and the threat of defamation. Victims fear that the extorter could retaliate by publicly shaming or defaming them, causing damage to their reputation or business. People feel powerless or scared to take legal action. The threat of negative publicity can be a powerful deterrent. Victims are worry that filing a report will bring unwanted attention to their business, potentially harming their reputation even if they are innocent. Many victims avoid filing F.I.R. to prevent the hassle and focus on their business instead. These factors contribute to the reluctance of individuals to report extortion, despite knowing that they are conducting their business legally.

10. The consideration of bail for a habitual offender who has repeatedly extorted money from multiple individuals requires stricter scrutiny. Given the pattern of behavior and the potential risk to citizens, a more cautious approach is necessary to ensure that justice is served and to prevent further offenses. Petitioner is a person who is a habitual offender of criminal intimidation and extortion of money from members of public in a particular fashion in the name of journalism and has committed many crimes. His established pattern of criminal behavior is suggesting a disregard for legal consequences. Such a habitual offender is likely to





reoffend if released on bail. He has misused the benefit of bail earlier granted to him. The Court being lenient on someone who has repeatedly violated the law would diminish the effect of legal sanctions.

11. A complaint has also been filed by the SHO of Police Station Industrial Area, Pali, against the father of the complainant under Sections 126 and 135 of the BNS according to the facts of which the petitioner, through his father, has intimidated the complainant and pressurised him to compromise and has also threatened him of dire consequences in future. It prima facie reveals that the petitioner has interfered with the judicial process by tampering with or influencing witnesses or otherwise obstructing justice. These factors collectively contribute to the reason for denying bail to a petitioner.

12. The mere fact that the offence alleged against the accused is triable only by a Magistrate Court cannot be a sole ground for granting bail to the accused. The seriousness of the offense and other relevant factors has also to be considered when determining bail. Hon'ble the Apex Court in the case of **Prasanta Kumar Sarkar vs. Ashis Chatterjee and Another**, [\(2010\) 14 SCC 496](#) after taking into account several precedents, elucidated the following:

"9. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the



factors to be borne in mind while considering an application for bail are:

(i) whether there is any prima-facie or reasonable ground to believe that the accused had committed the offence.

(ii) nature and gravity of the accusation.

(iii) severity of the punishment in the event of conviction.

(iv) danger of the accused absconding or fleeing, if released on bail.

(v) character, behaviour, means, position and standing of the accused.

(vi) likelihood of the offence being repeated.

(vii) reasonable apprehension of the witnesses being influenced.

(viii) danger, of course, of justice being thwarted by grant of bail."

13. In the light of these facts and circumstances, if the petitioner is released on bail, then neither the complainant of this case nor the complainant of any other F.I.R. will dare to give evidence against the petitioner during the trial. In such a situation, the morale of the complainant will be further boosted.

14. I am of the considered view that looking to the nature and gravity of the accusation in the instant case, the role attributed to the petitioner, the antecedents of the applicant and the case set up against petitioner in its entirety, the petitioner is not found entitled to be released on bail.

15. On these considerations and in view of the aforesaid discussion, I am of the considered opinion that accused has failed to carve out a strong case for bail in his favour. Bail application





therefore, is utterly misconceived under law hence deserves to be dismissed. Dismissed accordingly. The above observations shall not be construed as an expression of opinion on merits of the case.

(RAJENDRA PRAKASH SONI),J

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