



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 15/10/2020

PRESENT

WEB COPY

**The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN**

CRL OP(MD). Nos.11437 and 11440 of 2020

S.Chokkar

... Petitioner/Accused No.2  
in CRL OP(MD)No.11437 of 2020

Archana

... Petitioner/Accused No.1  
in CRL OP(MD) No.11440 of 2020

Vs

The State rep.by  
The Sub Inspector of Police,  
Gudalur Police Station,  
Theni District.  
Crime No.718 of 2020.

... Respondent/Complainant  
in both petitions

For Petitioner : Mr.J.Selvam, Advocate  
for Mr.S.Muthukumar, Advocate.  
in CRL OP(MD)No.11437 of 2020

For Petitioner : M/s.B.Thangamani, Advocate.  
in CRL OP(MD) No.11440 of 2020

For Respondent : Mr.K.Suyambulinga Bharathi,  
Government Advocate (Crl.Side)  
in Both Petitions

For Intervenor : Mr.Arun, Advocate for  
M/S.Veera Associates  
in CRL OP(MD) No.11437 of 2020

PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER :-

For Bail in Crime No.718 of 2020 on the file of the respondent police

**COMMON ORDER :** The Court made the following order :-

The petitioner/A1 and A2 , who were arrested and remanded to judicial custody on 01.10.2020 for the offences punishable under Sections 195(A), 506(i) and 109 of IPC on the file of the respondent

<https://hservices.ecourts.gov.in/hservices/>  
Police seek bail.



2.The case of the prosecution is that the petitioner/accused no.2 was arrayed as accused in Crime No. 147 of 2020 for the offence under Section 302 of IPC and the first accused in the name of the second accused said to have threatened and attempted to tamper the evidence in the case registered in Crime No.147 of 2020. Now investigation in this case is completed and the case is pending committal. At this juncture the petitioners herein have called one of the witness through phone and threatened not to depose anything about them. Hence the complaint.

3.The learned counsel for the petitioners would submit that the second accused namely Chokkar is aged about 65 years and suffering from various ailments and he is also a practicing advocate for morethan 35 years and he never indulged in any illegal activities as alleged by the prosecution.

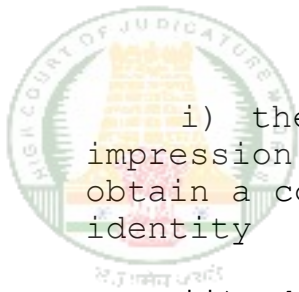
4. The learned counsel for the intervenor/ defacto complainant would submit that though the second accused is a practicing advocate he involved in so many previous cases and also having bad antecedents. Earlier the second accused was absconding for a long time and absconding charge sheet was also filed against the second accused. Infact both the petitioners also threatened the witnesses not to depose anything about them before the trial Court. Hence he strongly opposed to grant bail to the petitioners.

5. The learned Government Advocate(Crl.Side) would submit that petitioner/accused no.2 was arrayed as accused in Crime No. 147 of 2020 for the offence under Section 302 of IPC and the first accused in the name of the second accused said to have threatened and attempted to tamper the evidence in the case registered in Crime No.147 of 2020. Now investigation in this case is completed and the case is pending committal.

6. It is seen that there are two accused in this case and the petitioners herein are arrayed as A1 and A2. According to the case of prosecution the petitioners contacted one of the witnesses and threatened them not to depose anything about the petitioners before the trial Court. Both the petitioners were arrested and remanded to judicial custody on 01.10.2020.

7. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

8.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam,



i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner in Crl.O.P(MD) No.11437 of 2020 shall report before the learned Judicial Magistrate, Uthamapalayam, Theni District daily at 10.30 am., and 5.30 p.m., until further orders and the petitioner in Crl.O.P(MD) No.11440 of 2020 shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
15/10/2020

/ TRUE COPY /

/ /2020  
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,  
UTHAMAPALAYAM, THENI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THENI DISTRICT.

3. THE SUB INSPECTOR OF POLICE,  
GUDALUR POLICE STATION,

<https://hcservices.mca.gov.in/Services/>



4.THE OFFICER INCHARGE,  
DISTRICT PRISON, VIRUDHUNAGAR.

5.THE OFFICER INCHARGE,  
SUB JAIL, NILAKOTTAI.

6.THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP (MD) Nos.11437  
and 11440 of 2020  
Date :15/10/2020

AAV  
TK/VR/SAR.2/15.10.2020/4P/7C