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

Reserved on	Pronounced on
16.04.2021	22.04.2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.3944 of 2021

S.Chokkar

... Petitioner /Accused No.8

Vs

State represented by its
The Inspector of Police,
Uthamapalayam Police Station,
Theni District,
(Crime No.147 of 2020)

... Respondent/Complainant

Selvendran

... Petitioner / Defacto Complainant

For Petitioner : Mr.R.John Sathyam, Advocate
for Mr.S.Muthukumar
Advocate

For Respondent : Mr.K.Dinesh Babu
Additional Public Prosecutor

For Intervenor : Mr.Henri Tiphangne

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

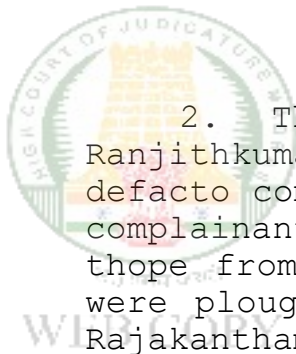
PRAYER :-

For Bail in Crime No.147 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested by the respondent police on 30.09.2020, for the offences punishable under Sections 147, 148, 149, 120(b), 109 and 302 I.P.C., in Crime No.147 of 2020, on the file of the respondent police, seeks bail.

<https://hcservices.courts.gov.in/hcservices>



2. The case of the prosecution is that the deceased Ranjithkumar is an Advocate practicing in Uthamapalayam Court. The defacto complainant is his elder brother. The family of the defacto complainant entered into a sale agreement for purchase of coconut thope from one Rajakantham, on 14.11.2019. Thereafter, when they were ploughing the lands with the help of the tractor, the son of Rajakantham viz., Vijayan and the Advocates Jeyaprabhu, Chokkar, Mathan and other accused prevented them from ploughing and attacked them indiscriminately and in that incident, the defacto complainant sustained a cut injury in his shoulder. A case in Cr.No.239 of 2019 was registered against the accused. Vijayan and the Advocate Jeyaprabhu have been threatening the defacto complainant and his family members that they would be eliminated. While that being so, Advocates Jeyaprabhu, Chokkar, Mathan and Selvam and others have waylaid Ranjith Kumar and gave a threat that he and his family members would be eliminated within a month. The deceased brother Ranjith Kumar gave a complaint to the Cumbum police station and it was registered in CSR No.51 of 2020. Vijayan approached the Advocate Jeyaprabhu and offered a sum of Rs.6,00,000/- (Rupees Six Lakhs only) for murdering Ranjith Kumar. After receiving the amount, the Advocates Jeyaprabhu, Chokkar, Mathan and Mayilammal and a gang leader Selvam @ Sooppu Selvam conspired in the office of Chokkar and decided to murder Ranjith Kumar. On 06.03.2020 at about 12.00 noon, the defacto complainant enquired Ranjith Kumar over phone as to where was he at that point of time. He replied that he was in Uthamapalayam Court. He went there and after some time, they left from the Court. Ranjith Kumar was riding a Splender Two wheeler bearing Registration No.TN-57-E-0133 towards Cumbum road. The defacto complainant and Sukumaran were following him. At about 03.30 p.m., near Govinthanpatti Poomalai Theatre, a red colour car came in a rash manner and hit against the Ranjith Kumar's two wheeler. As a result, he fell down. The occupants of the car Jeyaprabhu, Mathan, Selvam @ Sooppu Selvam, Rajesh, Anandhan, Pradhap and Sanjai came out of the car and attacked Ranjith Kumar indiscriminately with deadly weapons. When the defacto complainant and Sukumaran came near them, they escaped from the scene of occurrence. On the basis of the complaint, this FIR came to be registered.

3. The learned Counsel for the petitioner submitted that there is no material for implicating the petitioner in this case and he is only 8th Accused. He is an Advocate and a senior citizen and he suffered from severe heart problem and he is under judicial custody from 30.09.2020. Hence, the learned Counsel prayed for release of the petitioner on bail.

4. The learned Additional Public Prosecutor opposed this bail petition on the ground that there is a previous enmity between two groups and as a result, this murder had been committed. If the petitioner is released on bail, there is a possibility of tampering with the evidence and threatening of the witnesses.



5. The defacto complainant filed an intervening petition and strongly opposed for granting bail to the petitioner on the ground that the petitioner is one of the main accused. Before this murder, at the instance of this petitioner, other accused unlawfully assembled and prevented the defacto complainant and his family members from ploughing coconut thope on 15.11.2019. FIR has been registered in Cr.No.239 of 2019 for the alleged offences under Sections 147, 148, 447, 294(b), 342, 323, 324, 506(ii), 307 I.P.C. The petitioner and other accused threatened the deceased and the members of the defacto complainant that they would be eliminated and therefore, the deceased gave a complaint. Instead of registering the FIR, the police had registered only as CSR No.51 of 2020 on 10.02.2020. The FIR was registered only after the murder of the deceased on 06.03.2020 for the alleged offence under Sections 120 (b), 109, 147, 148, 149, 302 I.P.C., Not only that, this petitioner was not immediately arrested in connection with this murder. He was arrested only on 30.09.2020 after the registration of the FIR in Cr.No.718 of 2020 for the alleged offence under Sections 195(A), 506 (i), 109 I.P.C. This case was registered for the reason that one Mutheeswari - the main witness of this case, was threatened by the relative of the petitioner viz., Archana stating that if she states anything about the murder concerned in this case, she would be killed like the deceased. The petitioner is also regularly conducting kangaroo Courts in the locality. The second bail petition filed by the petitioner was dismissed by this Court vide order dated 17.02.2021 in CrI.O.P.(MD)No.470 of 2020. The petitioner is an Advocate and also an influential personality in that area and if he is released on bail, certainly he would tamper the evidence, threaten the witnesses, prolong the investigation and trial. Therefore the learned Counsel for the intervenor strongly opposed for releasing the petitioner on bail.

6. In response, the learned Counsel for the petitioner submitted that there are civil disputes with regard to purchase of property. The petitioner is not an accused in Cr.No.239 of 2019. There is also a counter case filed in Cr.No.240 of 2019, for the occurrence dated 15.11.2019. The FIR in Cr.No.718 of 2020 was registered with false allegations only to see that the petitioner will not get bail and for cancellation of bail granted to the other accused. Therefore, the learned Counsel for the petitioner submitted that since the major part of the investigation is over, further incarceration of the petitioner in jail is not necessary. That apart, the petitioner is a senior citizen and suffering from heart ailment and therefore, the learned Counsel prayed for releasing the petitioner on bail.

7. Heard the learned Counsel for the petitioner, the learned Additional Public Prosecutor appearing for the State and the learned Counsel for the intervenor and perused the materials placed on



8. The perusal of the materials submitted by the Counsel for the petitioner, the Counsel for the intervenor, their oral submissions as well as the submissions of the learned Additional Public Prosecutor, show that there were disputes between two groups of Advocates and their associates, one is the deceased in this case and others are the accused in this case. There have been case and counter case filed against both parties. Of course, the name of the petitioner is not mentioned in Cr.No.239 of 2019, but it is stated in the FIR that along with the named accused, six more persons also involved in the commission of offence. Admittedly, the petitioner was not arrested immediately after the murder. Only after the registration of the FIR in Cr.No.718 of 2020, for the alleged threat made to the prime witness in this case, he was arrested. Threatening of witness is a serious offence. Only in rare cases, these kinds of FIRs are registered.

9. Considering the nature of the offence, the threat made to the key witness, the previous case against the petitioner, this Court is of the considered view that there exists real life threat to key witnesses. The petitioner is an influential person in that locality. If he is released on bail, possibility of tampering the evidence and threatening the witnesses cannot be ruled out. Therefore, this Court finds that this petitioner is not entitled to be released on bail. Accordingly, this Criminal Original Petition is dismissed.

sd/-
22/04/2021

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/ /2021
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 INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

<https://hcservices.ecourts.gov.in/hcservices/>



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

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ORDER

IN

CRL OP (MD) No.3944 of 2021

Date :22/04/2021

AMS/PN/SAR-2/27/04/2021/5P/4C