



Crl.M.P.No.18070 of 2023

in

Crl.A.No.678 of 2023

S.S.SUNDAR,J.

AND

SUNDER MOHAN,J.

[Order of the Court was made by SUNDER MOHAN,J.]

This petition is to relax two of the conditions imposed by this Court, while granting bail to the petitioner in Crl.A.No.678 of 2023 dated 01.08.2023.

2. This Court directed that the petitioner shall stay at Chennai and shall report before the Trial Court every day at 10:30 A.M. until further orders, which is found in paragraph 49 b (ii) and (iii) of the bail order.

3. The petitioner seeks relaxation of the said conditions on the ground that he has been complying with the conditions imposed by this Court from 06.10.2023 till date; that he is practising lawyer at Madurai and has several cases before the Trial Courts at Madurai and before the Madurai Bench of Madras High Court, where he had filed vakalath; and that in view of the conditions, he is unable to earn his livelihood and make both ends meet.



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4. The respondent has filed his objections stating that though the petitioner/appellant was not named as an accused in the Supplementary Final Report filed on 03.11.2023; that further investigation is still continuing against the petitioner/appellant; that if the conditions are relaxed, the petitioner may tamper with the witnesses; and that there is a conversation between the petitioner and one of the protected witness, wherein the petitioner had threatened a protected witness stating that he would do away with his life.

5. Mr.AR.L.Sundaresan, the learned Additional Solicitor General, submitted that the bail order of this Court was confirmed by the Hon'ble Supreme Court in SLP (Crl.) No(s).9384 of 2023, and the Hon'ble Supreme Court had held that the petitioner should scrupulously comply with the conditions imposed while granting bail. The learned Additional Solicitor General therefore submitted that the Hon'ble Supreme Court while dismissing the Special Leave Petition (SLP) had taken into consideration that adequate conditions were imposed by this Court to ensure that the petitioner does not tamper with the witnesses. Therefore, he submitted that the said conditions cannot be relaxed or modified. The learned Additional Solicitor General, further submitted that most of the witnesses are from Madurai and considering the past conduct of the petitioner in



threatening a protected witness, the petitioner is likely to threaten the witnesses at Madurai, which would affect the investigation; and that the respondent has not stated that the petitioner is not guilty of the offence in their Supplementary Final Report; that they are collecting further evidence against him and the investigation is still going on.

6. Considering the rival submissions, we find that the order of this Court granting bail to the petitioner has been confirmed by the Hon'ble Supreme Court. The Hon'ble Supreme Court had stated that any violation of conditions imposed by this Court would lead to cancellation of bail granted to the petitioner. Admittedly, so far the petitioner has complied with the conditions and there is no violation. It is further seen that after the order of the Hon'ble Supreme Court, the respondent has filed another Supplementary Final Report before the Trial Court, in which the petitioner is not shown as an accused. It is the respondent's case that they are collecting further evidence as against the petitioner. However, we are of the view that liberty cannot be curtailed for an indefinite period whether in the form of custody or in the form of stringent conditions to stay away from the normal place of residence of the accused, where he is pursuing his profession also. Even as per the counter, the alleged threat made to a protected witness was



over a telephone call, which was also taken into account while considering the bail applications by this Court.

7. Considering the said facts and the fact that the petitioner has been complying with the conditions which is mentioned in 49 b (ii) and (iii) of the bail order dated 01.08.2023 in CrI.A.678 of 2023 to stay at Chennai and report before the Trial Court every day, the fact that the petitioner is a lawyer, practising at Madurai and for the reasons stated above, we are inclined to modify the conditions in paragraph 49 b (ii) and (iii) in CrI.A.No.678 of 2023 as follows:

(ii) The petitioner shall stay at Madurai and shall not leave the Madurai City without the permission of the learned Principal Sessions Judge, Madurai.

(iii) (a) The petitioner shall appear and sign before the learned Principal Sessions Judge, Madurai, twice in a week (i.e.,) Monday and Thursday, at 10:30 A.M., until further orders.

(b) The petitioner shall appear before the Trial Court as and when, he is summoned by the Trial Court.



The other conditions in 49 b (i) and (iv) to (x) in CrI.A.No.678 of 2023 dated 01.08.2023 shall remain unaltered.

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8. With the above modifications, CrI.M.P.No.18070 of 2023 in CrI.A.No.678 of 2023 is ordered accordingly.

[S.S.S.R., J] [S.M., J]
15.11.2023

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AND
SUNDER MOHAN,J.

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Dated : 15.11.2023