

*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On	:	29.04.2026
Pronounced On	:	01.06.2026

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**THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN**

Crl.A.(MD).Nos.429 of 2025 and 35 and 48 of 2026

Crl.A.(MD).No.429 of 2025

S.Suthersan

... Appellant

Vs

1. The State of Tamilnadu rep by  
The Deputy Superintendent of Police,  
Sipcot Police Station,  
Thoothukudi.  
(Crime No.48 of 2023)

2.P.K.Ramkumar

... Respondents

**PRAYER:-** This Criminal Appeal has been filed under Section 14(A) (2) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989 to set aside the order dated 20.01.2025 made in Crl.M.P.No.1196 of 2024 on the file of the Special Court for Trial of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Thoothukudi and to enlarge the appellant on bail in connection with Crime No.48 of 2023 on the file of the first respondent police.



*CrI.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

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For Appellant : Mr.B.Arulmozhi Maran

For Respondent : Mr.S.Ravi  
Additional Public Prosecutor for R1

: Mr.A.Robinson for R2

CrI.A.(MD).No.35 of 2026

Muthuraja @ Muthupandi

... Appellant

Vs

1.The State of Tamilnadu rep by  
The Deputy Superintendent of Police,  
Thoothukudi Town SIPCOT Police Station,  
Thoothukudi District.

2.The Inspector of Police,  
SIPCOT Police Station,  
Thoothukudi District.  
(Cr.No.48 of 2023)

3.P.K.Ramkumar

... Respondents

**PRAYER:-** This Criminal Appeal has been filed under Section 14(A) (2) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Amendment Act, 2015 to call for the records and to set aside the order dated 17.10.2025 made in CrI.M.P.No.170 of 2025 on the file of the Special Court for Trial of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Thoothukudi and to enlarge the appellant on bail in connection with Criminal



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

case in S.C.No.25 of 2023 in Crime No.48 of 2023 on the file of the first

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For Appellant : Mr.G.Karuppasamy Pandiam

For Respondent : Mr.S.Ravi  
Additional Public Prosecutor for R1

: Mr.A.Robinson for R2

Crl.A.(MD).No.48 of 2026

Baskar

... Appellant

Vs

1.The State of Tamilnadu rep by  
The Deputy Superintendent of Police,  
SIPCOT Police Station,  
Thoothukudi District.  
(Crime No.48 of 2023)

2.P.K.Ramkumar

... Respondents

**PRAYER:-** This Criminal Appeal has been filed under Section 14A (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1/2016, to call for the records and to set aside the order dated 28.11.2025 made in Crl.M.P.No.267 of 2025 on the file of the Special Court for Trial of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Thoothukudi and to enlarge the appellant on bail in connection with Criminal case in S.C.No.25 of 2023 in Crime No.48 of 2023 on the file of the first respondent police.

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Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026

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For Appellant : Mr.B.Syed Absul Wakeed

For Respondent : Mr.S.Ravi  
Additional Public Prosecutor for R1

: Mr.A.Robinson for R2

### **COMMON ORDER**

The appellants/accused Nos.6, 7 and 15 in S.C.No.25 of 2023 on the file of the Special Court for Trial of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Thoothukudi have filed these criminal appeals before this Court.

*2.Since these criminal appeals are arising out of the same crime, these cases are taken up for hearing together and disposed of by way of this common judgment*

### **3. Brief Facts and Past Events of these Appeals:**

Earlier, these appellants had filed applications seeking bail, and the same were dismissed. More particularly, one of the appellants, namely Sutherson, the appellant in Crl.A.(MD).No.429 of 2025, had filed an appeal in Crl.A.(MD).No.494 of 2023. This Court, after considering the gravity of the offence, taking into account the continuous threat to the witnesses and the defacto



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

complainant, and also noting that a number of the accused have previous

antecedents, dismissed the application and issued directions to conduct the trial

in the jail premises, on the reasoning that there was a continuous threat to the

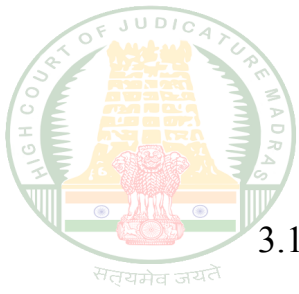
witnesses in the court premises, by issuing various directions by order dated

11.10.2023. The same was confirmed by the Hon'ble Supreme Court in S.L.P.

(Crl).No.422 of 2024.

**3.1.** In view of the above background of the case, for better appreciation, this Court states the following brief facts of the prosecution case:

3.1.1. According to the prosecution, the deceased was a practising advocate in the Thoothukudi and Tirunelveli Bar Associations. The defacto complainant in the above crime number has two brothers. One of his brothers is P.K. Shivakumar and the other is P.K. Muthukumar. The said P.K. Shivakumar was murdered by a mob in front of the court campus in the presence of the deceased P.K. Muthukumar and the defacto complainant. Hence, the Thoothukudi South Police Station registered a case in Crime No.533 of 2019. The investigating agency conducted the investigation in the said crime number and filed the final report against a number of accused for the offences under Sections 147, 148, 302, 120(b) IPC and Section 3(2)(v) of the SC/ST (POA) Act, 1989, and the same was taken on file as S.C.No.62 of 2020.



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

3.1.2. In the said case, one of the accused is Rajesh. The said Rajesh was a friend of the appellant in Crl.A.(MD).No.429 of 2025, and the remaining accused are close associates of the various accused in the said case. The deceased advocate, P.K. Muthukumar, and the defacto complainant were relentlessly taking steps to intervene in the bail applications filed by all the accused in the said murder case of his brother, P.K. Shivakumar. The same infuriated and provoked the accused in Crime No.533 of 2019 to hatch a plan to eliminate P.K. Muthukumar, as he was a hurdle to them in obtaining bail.

3.1.3. Therefore, the accused, while in jail, conspired with these appellants and other accused and murdered the said P.K. Muthukumar, Advocate, on 22.02.2023 at about 2.15 p.m., near P.K. Gold Loan Shop at Thoothukudi, Soreeshpuram Madhapur Road. Hence, a complaint was given before the SIPCOT Police Station, namely, the respondent police. The respondent police registered a case in Crime No.48 of 2023 for the offences under Sections 147, 148, 449, 302, and 109 IPC read with Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989. The Investigating Officer arrested the accused and filed the final report against 15 accused, and the same was taken on file as S.C.No.25 of 2023.

**3.1.4.** As observed above, Sutherson filed a bail application before the Special Court for Trial of Scheduled Caste and Scheduled Tribes (Prevention of



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

Atrocities) Act, Thoothukudi, in Cr.M.P.No.1196 of 2024, stating that in spite

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of the direction given by this Court to complete the trial within a period of two months, the trial has not been completed, and hence, his right to a speedy trial under Article 21 of the Constitution of India has been infringed, and pre-trial incarceration of more than three years is not permissible. The said application was dismissed by the impugned order dated 20.01.2025. Challenging the same, Criminal Appeal in Crl.A.(MD).No.429 of 2025 has been filed.

3.1.5. Similarly, the other accused, namely, the appellants in Crl.A.(MD).Nos.48 and 35 of 2026, also filed bail applications before the trial Court in Crl.M.P.(MD).Nos.267 and 170 of 2025. The learned trial Judge dismissed the same vide impugned orders dated 17.10.2025 and 28.11.2025 respectively. Challenging the same, the appellants in Crl.A.(MD).Nos.48 and 35 of 2026 have filed these appeals.

**4.Submission of the learned counsel appearing for the appellant in Criminal Appeal No. 46 of 2026, namely, Accused/Bhaskar:**

The learned counsel would submit that the appellant has been arrayed as an accused solely on the basis of the confession of a co-accused. It is contended that, apart from such confession, the only material relied upon by the prosecution is the call detail records (CDR), which, according to the learned



*CrI.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

counsel, do not independently establish the alleged conspiracy.

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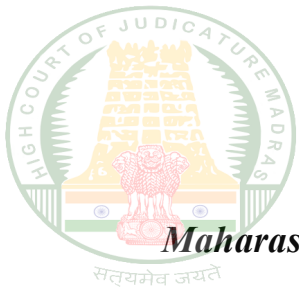
4.1.The gravamen of the allegation against the appellant is that he conspired with the principal accused, who are the main assailants, and facilitated the commission of the offence. However, it is argued that the prosecution has failed to produce any substantive evidence, except the inadmissible confession of a co-accused, to establish such conspiracy.

4.2.The learned counsel would further contend that the appellant was subjected to illegal custody, and a complaint in that regard had been lodged before the competent authority. It is thus submitted that the continued incarceration of the appellant for a period exceeding two years, without conclusion of trial, amounts to a violation of his fundamental right to personal liberty guaranteed under Article 21 of the Constitution of India. In support of his contention he relied the following precedents:

(i)In the case of *Dheeraj Wadhawan vs. Central Bureau of Investigation* reported in *2025 Live Law (SC) 1212*

(ii)In the case of *Karan Talwar vs. The State of Tamil Nadu* reported in *2024 INSC 1012*

(iii)In the case of *Chitan Rajubhai Panseriya vs. The State of*



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

**Maharashtra** reported in ***S.L.P.(Crl.).No.439 of 2026***

**WEB COPY** (iv)In the case of ***Gopinath vs. The State in Crl.A.No.1177 of 2025***

(v)In the case of ***Kalaiselvan vs. The State in Crl.A.No.1888 of 2025***

**5.Submissions of the learned counsel appearing for the appellant in Crl.A.(MD).No.429 of 2025, namely, accused/Sutherson:**

A similar submission was advanced by the learned counsel appearing for the appellant in Criminal Appeal No.429 of 2025. In addition thereto, it was contended that the appellant seeks interim bail on humanitarian grounds. It is submitted that the appellant's wife had sustained injuries in an accident and requires medical treatment, and further that his mother, as well as another family member, are suffering from serious health issues. On the aforesaid grounds, the learned counsel prayed for grant of interim bail.

**6.Submission of the learned counsel appearing for the appellant in Criminal Appeal No.35 of 2026 namely, accused/Muthuraja @ Muthupandi:**

In spite of the direction given by this Court in Crl.A. (MD)No.601/2023, Judgment dated 09.02.2024, the trial proceedings has not moved an inch. Therefore, the incarceration of more than three years without trial amount to the



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

infringement of his fundamental right under Article 21 of the Constitution of

India and also in this case more than 90 witnesses have to be examined and the same would consume more time and there is no possibility of conclusion of trial in near future and in the similar circumstances, the Hon'ble Supreme Court in various decisions was pleased to grant bail.

6.1.All the learned counsel relied the following precedents in support of the plea for bail, and would contend that prolonged pre-trial detention, in the absence of substantial evidence, justifies enlargement on bail. In support of his contention they relied the following precedents:

(i)In the case of *Aadya Prasad Tiwari vs. State of Uttar Pradesh and another* in *Crl.A.No.195 of 2026*

(ii)In the case of *Arvind Dham vs. Directorate of Enforcement* reported in *2026 INSC 12*

**7.Submission of the learned counsel appearing for the de facto complainant**

Per contra, the learned counsel appearing for the de facto complainant has filed detailed counters and would submit that the very same grounds had already been considered and rejected by this Court at an earlier stage. This



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

Court, while rejecting the earlier bail application, had taken into account the

grave nature of the accusations, including allegations of murder, and more significantly, the subsequent elimination of material witnesses.

7.1.It is further submitted that, based on a detailed report received from the Intelligence Department, this Court had invoked the principles underlying witness protection and directed that the trial be conducted within the prison premises as a special case. The said order was carried in appeal and came to be confirmed by the Hon'ble Supreme Court.

7.2.The learned counsel would also submit that the accused persons have consistently attempted to delay the trial proceedings, including through acts of misconduct by counsel, thereby impeding the commencement and progress of trial. It is pointed out that the trial has now commenced, several witnesses have already been examined, and the matter has reached a crucial stage.

7.3.During the course of trial, further incidents of intimidation of witnesses have been reported, resulting in the registration of another FIR, and the arrest of one of the accused. It is contended that the threats to witnesses continue, with increased severity even after dismissal of the earlier bail



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

application.

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7.4. In such circumstances, it is submitted that the prosecution is likely to conclude the trial within a period of two months, and at this advanced stage of the proceedings, the grant of bail would not be advisable, notwithstanding the period of incarceration already undergone by the appellant. He relied the following precedents:

(i) In the case of *Kalyan Chandra Sarkar vs. Rajesh Ranjan Alias Pappuyadav an another* reported in *2005 (2) SCC 42*

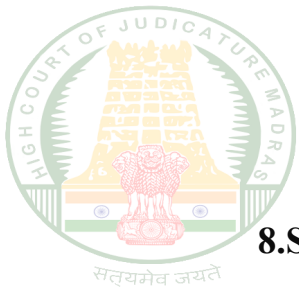
(ii) In the case of *Brijmani Devi vs. Pappu Kumar and another* reported in *2022 (4) SCC 497*

(iii) In the case of *Ashok Dhankad vs. State of Delhi and another* in *Crl.A.No.3495 of 2025*

(iv) In the case of *State of Karnataka vs. Sri Darshan Etc.*, reported in *2025 SCC Online SC 1702*

(v) In the case of *Neeru Yadav vs State of Uttar Pradesh and another* reported in *2014 16 SCC 508*

(vi) In the case of *Prasanta Kumar Sarkar Vs Ashis Chatterjee*, reported in *(2010) 14 SCC 496*



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

## **8.Submission of the learned Additional Public Prosecutor appearing**

**WEB for State:**

The learned Additional Public Prosecutor, Mr.S.Ravi assisted by senior and high-ranking police officials, would submit before this Court that the prosecution witnesses are under grave and imminent threat. It is pointed out that the registration of a subsequent FIR, at the very place where the prison premises is situated, itself demonstrates the seriousness and continuity of the threat perception.

8.1.It is further submitted that, notwithstanding the precautionary measure of conducting the trial within the prison premises, two material witnesses have already turned hostile due to intimidation. This, according to the learned Public Prosecutor, establishes that the threat to witnesses is not illusory but real, persistent, and capable of undermining the administration of justice.

8.2.The learned Public Prosecutor would also bring to the notice of this Court that during the transit of witnesses from Tuticorin District to Tirunelveli District, there exists a consistent and credible apprehension of interference and intimidation. In such circumstances, it is urged that the recording of evidence through video conferencing would be necessary to safeguard the witnesses and



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

to hold meaningful trial.

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8.3. Apart from the above, it is submitted that the accused persons are presently lodged in different prison facilities owing to specific intelligence inputs and security considerations. Consequently, the production of all accused before the trial Court on each hearing date necessitates the deployment of substantial police force, often exceeding fifty personnel, thereby imposing a significant logistical and security burden on the State machinery.

8.4. In view of the above constraints, the learned Public Prosecutor would urge that this Court may permit the conduct of trial proceedings, including the appearance of the accused, through video conferencing, without insisting upon their physical production before the Court. It is emphasized that such a course would be particularly justified in cases of this nature, where several accused have prior criminal antecedents, including one of the present appellants, and where the risk to witnesses and public order remains demonstrably high.

8.5. The learned Additional Public Prosecutor, Mr.S.Ravi would also strongly oppose the said plea and submit that the grounds urged by the appellant in Crl.A.(MD).No.429 of 2025 are wholly untenable and factually



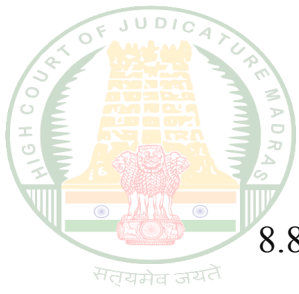
*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

incorrect. It is contended that the claim regarding the medical condition of the

appellant's wife is false and has been projected only to secure interim bail. The prosecution would further submit that the appellant was employed as a software engineer in Chennai and had been frequently visiting the prison premises, and that official records would disclose that he had been in regular contact with the co-accused.

8.6.It is further alleged that the appellant had indulged in unlawful activities even while in custody, including unauthorized possession and use of a mobile phone within the prison, thereby actively involving himself in coordinating matters relating to the case. On such conduct, it is contended that the appellant is not entitled to any discretionary relief on sympathetic or humanitarian considerations.

8.7.He would also reiterate that, as already recorded, there exists a consistent and continuing threat to prosecution witnesses. It is pointed out that two material witnesses, particularly in relation to the aspect of conspiracy, were subjected to intimidation and have consequently turned hostile.



Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026

8.8. In this regard, it is submitted that the de facto complainant had

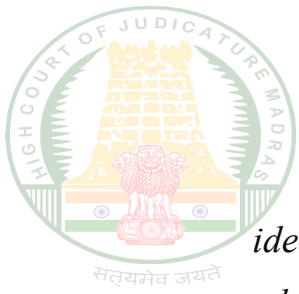
WEB COPY moved an application before the trial court seeking appropriate relief; however, the learned trial Judge dismissed the same while granting liberty to approach the competent court by filing an application under the witness protection mechanism, including under the relevant provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

8.9. In the light of the above, it is contended that the threat perception to witnesses continues unabated, and the trial has now reached a crucial stage. The prosecution is expected to complete the examination of the remaining witnesses within a period of two months.

8.10. Therefore, it is submitted that at this advanced stage of the trial, the grant of interim bail, particularly on the basis of prolonged incarceration or on unsubstantiated medical grounds, would not be justified.

**9. Counter Affidavit of the second respondent / defacto complainant:**

*23. I submit that the petitioner/accused may claim that he has not presented in the scene of occurrence and he did not physically participated in the said occurrence that may not be a ground to consider his bail application for the reason that the*



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Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026

*idea of killing my brother is conceived on the minds of the accused who were detained in the jail and they could not execute the murder physically and in order to give a fill design to the idea of the accused this petitioner has extended his help and have paid a money to the accused namely Muthuraj @ Muthupandi (A7) and he in turn paid the same to A6 namely Baskaran at Mumbai and he came to Thoothukudi and arranged a henchmen and after only entire occurrence had happened. Hence this petitioner is master mind behind the execution of murder.*

*24.I submit that there are strong materials as against this petitioner/accused to substantiate the charge against him. I further submit that this petitioner/accused also actively participated in the execution of the murder which was imagined by the accused in Crime No.533/2019 and this petitioner/accused have made it in to reality by extending his help by providing the money in order to help his friend namely Rajesh who is arrayed as A1 in the Crime No.533/2019. In fact, the Accused No.1 namely Jeya Prakash is the brother of the said Rajesh and this petitioner/accused has pleaded in his earlier petition that he is not aware of said Rajesh (A1) in the above Crime No.48/2023.*

*25.I submit that this petitioner/accused is not an innocent and with an evil mind in order to help his friend said Rajesh he had extended his help by providing money to the accused prior to the commission of offence and after commission of offence and all the accused are remain in a judicial custody and the all accused in the earlier case in Crime No.533/2019 are also in the judicial custody.*

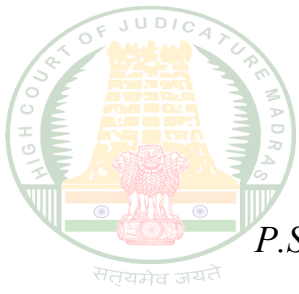


27.I respectfully submit that mere fact that the appellant/accused had undergone certain period of incarceration itself would not entitle the appellant/accused to being enlarged on bail. It is settled law that the number of days that a person stays in jail which becomes irrelevant for the purpose of considering whether he is entitled to bail or not.

**10.Counter affidavit of the 1<sup>st</sup> respondent/Police Officer:**

10.I submit that in the accused Muthuraj detained at the Nagercoil Sub-Jail were also caught having in possession of mobile phones inside the jail premises and the case in Nesamony Nagar PS Crime No.6 of 2025 came to be registered against the accused. Earlier, the accused Rajesh @ Rajeshwaran detained at the Poonamallee Jail were also caught having possession of mobile phones inside the jail premises and the case in Poonamallee P.S.Crime No.994 of 2024 came to be registered against the accused. The accused using every tactic to sabotage the process of Trial. Earlier, the accused Rajesh @ Rajeshwaran detained at the Puzhal Jail were also caught having possession of mobile phones inside the jail premises and the case in Puzhal P.S.Crime No.1111 of 2025 came to be registered against the accused. The accused are using every tactic to sabotage the process of trial.

11.I submit that the accused Sutherson detained at the Perurani District Jail were also caught having in possession of mobile phones inside the jail premises and the case in Thattapparai



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

*P.S.Crime No.33 of 2026 came to be registered against the accused.*

*12.I Submit that with all special arrangements, the trial in S.C.No.25 of 2023 commenced and despite several threat from the accused, the defacto complainant (L.W.1) has deposed before the learned Trial Court about the entire occurrence on 15.04.2026 and other eye witnesses in the above case in S.C.No.25 of 2023 turned hostile due to the severe threat from the accused. The case in Crime No.216 of 2026 on the file of the Palayamkottai Police Station came to be registered on 26.03.2026 on the basis of the complaint preferred by the defacto complainant because of the threat he as well as the other witnesses were inflicted by the men of the accused. The threat is so real that the defacto complainant's family were also granted police protection as per the order of this Hon'ble Court in Crl.O.P.(MD).No.5390 of 2026.*

*13.The respondent states that, as mentioned in the petition, the wife of the 15<sup>th</sup> respondent in this case, namely, Akshaya Brinda, has claimed that she met with an accident and is undergoing continuous physiotherapy treatment. It is further submitted that Akshaya Brinda is presently under the care and maintenance of her father, Sivakumar. It is also submitted that she is currently employed as a Software Engineer in a TRANE technology company located at Taramani Chennai. And continues to work there. Whenever she is granted leave, she travels alone from Chennai to her father's residence situated at Sivathaiyapuram in Thoothukudi District and thereafter returns.*

*14.It is further submitted that, contrary to the averments made by the petitioner, the petitioner's mother, Selvarani, is presently*



Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026

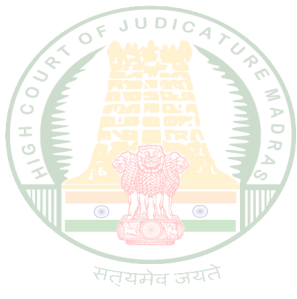
residing in Tambaram, Chennai, along with the petitioner's elder sister, Monica, and continues to reside there.

15.It is respectfully prayed that this Hon'ble Court may be pleased to issue orders directing that the witnesses in this case be examined on the scheduled Court working days.

S.N	Working date	List of Witnesses	Nature of Witness
1	1 <sup>st</sup> Day	L.W.14, L.W.16 to L.W.19	Formal Witnesses
2	2 <sup>nd</sup> Day	L.W.20 to L.W.25	Formal Witnesses, Observation & Seizure Mahazar Witness
3	3 <sup>rd</sup> Day	L.W.26 to L.W.31	Formal Witnesses, Observation & Seizure Mahazar Witnesses
4	4 <sup>th</sup> Day	L.W.32 to L.W.37	Formal witnesses
		L.W.38 to L.W.45	Dispensed witnesses
5	5 <sup>th</sup> Day	L.W.46 to L.W.50	Confession Witnesses
6	6 <sup>th</sup> Day	L.W.51 to L.W.55	Confessions Witnesses
7	7 <sup>th</sup> Day	L.W.55 to L.W.61	Confession Witnesses
8	8 <sup>th</sup> Day	L.W.62 to L.W.67	Formal Witnesses
9	9 <sup>th</sup> Day	L.W.68 to L.W.72	Material Witnesses
10	10 <sup>th</sup> Day	L.W.73 to L.W.78	Materials & Formal Witnesses
11	11 <sup>th</sup> Day	L.W.79 to L.W.83	Expert & Formal Witnesses
12	12 <sup>th</sup> Day	L.W.84 to L.W.88	Other, Expert & Formal Witnesses
13	13 <sup>th</sup> Day	L.W.89 to L.W.91	FIR & Formal Witnesses
14	14 <sup>th</sup> Day	L.W.92	I.O.

## 11.Additional Counter Affidavit of the Second Respondent

*I Submit that based on my complaint the FIR was also registered by the Sub-Inspector of Police, Palayamkottai Police Station for the offence punishable under Section 232(1) of BNS against 11 persons namely, (1) Naina, (2) Chinna Kutti, (3) Periya Durai, (4), Pandi Durai, (5) Seeni Nadar, (6) Velladurai, (7) Selvam, (8) Premkumar, (9) Estate Mani, (10) Prabu and (11) Raj Nadar out of 11 Accused, the 3<sup>rd</sup> accused namely Periyadurai is an accused in Crime No. 533 of 2019 in S.C.No.62 of 2020. In such a situation interim*



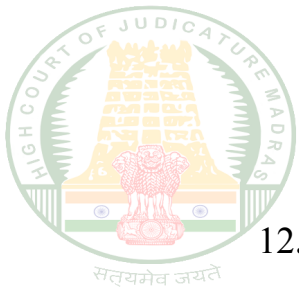
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Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026

*bail if granted to the petitioner it will certainly affect the progress of the trial as the case is in middle of the way and if he is released on interim bail he definitely would tamper the witnesses and his presence also could not be secured again for conducting the trial.*

*5.I submit that the reasons assigned by the petitioner as if the mother of the petitioner is suffered with some spinal injury and the report annexed along with the interim bail application disclosed that report was taken way back in the year 2023, 2 ½ of years ago and the conclusion also given in the report is also not serious one and further averment made in the bail petition that his wife is sustained a fracture in the left metacarpal bone that the same also is not serious one that too the treatment was given as early as 01.02.2026 by this time they could have recovered from the said injury as such the reason assigned by the petitioner is not so serious to grant interim bail as and if bail is granted it will seriously affect the progress of the trial and already witnesses were put under fear on the instigation of the accused in the present case and earlier case as such the present interim bail application has to be dismissed. The petitioner having sister and they are staying with their family at Chennai.*



## 12.Contents of Status report filed by prosecution:

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3. Facts of the case in Palayamkottai P.S.Crime No.216 of 2026 under Section 232(1) of BNS:

*It is respectfully submitted that while the Sub-Inspector of Police Thiru A. Muthupandi was on duty as incharge of Palayamkottai P.S on 26.03.2026 at 17.00 hours, received the current paper in C.No.16/COP/DC-East/Prin-C/2026 dated 26.03.2026 from the office of Deputy Commissioner of Police, East, Tirunelveli City, instructed to register the case as per instructions and on the basis of the contents of the current paper, registered the case in Palayamkottai P.S Crime No.216/2026 u/s 232(1) of BNS. Complainant Thiru Ramkumar has stated in his petition that he has been engaged in real estate business and is having two elder brothers. He has two elder brothers. His 2nd elder brother Thiru Sivakumar was hacked to death on 21.08.2019 near Thoothukudi Court. The South Police Station has registered the case. Rajesh, Ramesh, and Murugesan, the sons of one Jayaraman from Korampallam, Thoothukudi District along with their brother-in-law, Periyadurai, and a hired gang, since his elder brother and himself were eyewitnesses to this murder of their elder brother Sivakumar, they were cited as witnesses in the murder case to ensure legal punishment to the accused in accordance with law. Subsequently, they endeavoured to prosecute the aforesaid case by filing various orders before this Hon'ble High Court and the Madurai Bench of Madras High Court aimed at expediting the conclusion of the case and securing protection for themselves also. All of them from the aforesaid*



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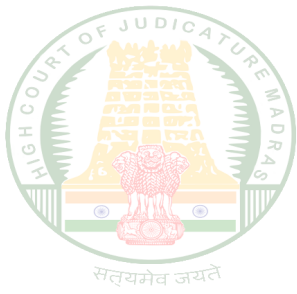
*murderers created various hindrances and threatened them from conducting the case and putting hurdles in their efforts. Consequently, the aforesaid murderers conspired together, hatched a plot, and utilized a hired gang, and joined by Jayaprakash, the biological brother of the aforesaid accused, attacked the complainant's elder brother Advocate P.K. Muthukumaran was hacked to death on 22.02.2023 at his brother's shop in Sorispuram, Thoothukudi. Since the complainant and eyewitnesses to both of the aforesaid murders are under severe threat to their lives, they have sought protection from the courts. Consequently, the police department has been providing security to the complainant. Subsequently, in Order No. CrI.A(MD) No.21 of 2024, the Hon'ble Madurai Bench of the Madras High Court has ordered that the murder trials be conducted on a day-to-day basis within the premises of the Palayamkottai Central Prison. Challenging this order, the accused in the murder case filed an appeal in SLP (Crl) No. 442/2024 before the Hon'ble Supreme Court of India, and on 15.04.2024 the Hon'ble Supreme Court upheld and confirmed the order issued by the Madurai Bench of the Madras High Court. While the trial for both the murder cases is currently underway in a court established within the Palayamkottai Central Prison premises, a total of eight individuals namely:*

*Naina of Sethurayanpudur,*

*Chinnakutty of Kurunthudaiyar,*

*Perumal (advocate at the Tirunelveli District Court),*

*Murugan of Ariyanallur,*



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Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026

*Pandithurai,  
Seenivasan,  
Velathurai, and*

*Advocate Selvam are actively attempting to subvert the proceedings. They are approaching key witnesses in Case No. SC 25/2023, offering them money to turn hostile, and threatening them with dire consequences and furthermore, they are intimidating the key witnesses by telling them not to create unnecessary complications, promising to pay them a sum of one to two lakhs per head, and instructing them not to appear in court to testify. It is evident that the actual accused in this murder case are operating indirectly from behind the scenes, orchestrating these subversive activities through these individuals hailing from Tirunelveli, namely 9) Estate Mani, 10) Moolikulam Prabhu, and 11) Chettikulam Raj Nadar are operating from behind the scenes, acting as the masterminds backing the accused in this murder case. Possessing immense financial, manpower, and political clout, the accused in this murder case are systematically undermining the prosecution by intimidating and bribing all the witnesses involved in the proceedings. In connection with the murder case of complainant's elder brother, the aforementioned individuals are actively working against the complainant while extending their support to the accused. Despite being fully aware that the complainant belong to the Hindu Pallar community, and that his brother's murder trial is currently underway at the Tuticorin Atrocities Court, the aforementioned accused persons continue to intimidate, threaten, and tampering the witnesses*



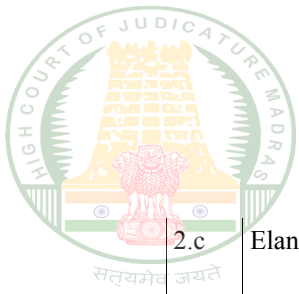
Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026

involved in the case and hence the complainant fears that he may be denied due justice and hence requested to take appropriate legal action against the aforementioned accused persons to ensure that the ongoing murder trials specifically cases in SC 25/2023, SC 62/2020, and SC 63/2020 so as to proceed without any hindrance, thereby enabling the complainant to secure due justice. In this instant case in Palayamkottai P.S Cr.No.216/2026, Inspector of Police, Palayamkottai P.S Thiru. Muthu Ganesh took up investigation on 26.03.2026.

13.The learned Additional public prosecutor has furnished the following particulars of previous antecedent of some of the Accused in both murder cases and strenuously opposed the bail :

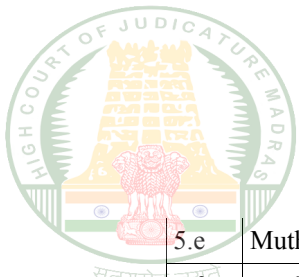
**13.1. List of Criminal Cases on 15 Accused in SIPCOT P.S. In Crime No.48 of 2023(second murder case/ present case)**

SL.No	Name of the accused	Police Station	Crime No	Offence under Section	remarks
1.a	Jeyaprakash/A1	Pudukkottai	447 of 2020	294(b), 323, 506(2) of IPC	Referred
1.b	Jeyaprakash/A1	Thattaparrai	15 of 2023	353, 332, 324, 307, 506(2) of IPC	UI
1.c	Jeyaprakash/A1	SIPCOT	48 of 2023	147, 148, 449, 302, 109, 120(B), 212 of IPC & 3(2)(v), SC/STs (POA) Act @ 147, 148, 149, 109, 120(B), 212, 449, 302, 34 of IPC & 3(2)(v), 3(2)(vi) of SC/ST Act	PT
2.a	Elangeswaran/A2	Arumuganeri Police Station	129 of 2021	448, 294(b), 323, 506(ii) of IPC and 4 of TNPHW Act,2002	PT
2.b	Elangeswaran/A2	Thoothukudi	446 of 2022	341, 294(b), 324, 506(ii) of IPC @ 341, 294(b), 324, 307, 506(ii) of IPC	UI



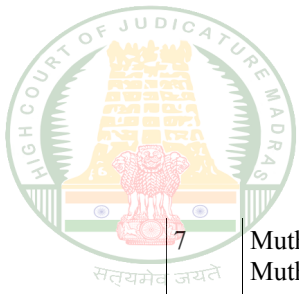
*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

2.c	Elangeswaran/A2	Thoothukudi SIPCOT	48 of 2023	147, 148, 449, 302, 109, 120B, 212 of IPC & 3(2)(v0 SC/STs (PoA) Act @ 147, 148, 149, 109, 120(B), 212, 449, 302, 34 of IPC & 3(2)(v), 3(2)(vi) of SC/ST Act,	PT
3.a	Rajaratjhinam/A3	Kadaiyam	172 of 2010	294(b), 323, 377 and 506(i) of IPC	NTF
3.b	Rajaratjhinam/A3	Kadaiyam	294 of 2012	294(b), 353, 506(ii) of IPC	PT
3.c	Rajaratjhinam/A3	Kadaiyam	412 of 2013	294(b), 387, 506(ii) of IPC	NTF
3.d	Rajaratjhinam/A3	Kadaiyam	316 of 2014	294(b), 323, 324, 506(ii) of IPC	PT
3.e	Rajaratjhinam/A3	Kadaiyam	426 of 2014	294(b), 323, 506(ii) of IPC & 4 of TNPHW Act,	PT
3.f	Rajaratjhinam/A3	Allwarkuruchi	154 of 2017	147, 148, 294 (b), 324, 326, 452 and 506(ii) of IPC	Acq
3.g	Rajaratjhinam/A3	Kadaiyam	161 of 2017	294(b), 323, 341, 506(i) of IPC & 3 of TNPPDL Act,	Acq
3.h	Rajaratjhinam/A3	Kadaiyam	31 of 2018	143, 151, 188, 283, 341 of IPC	NTF
3.i	Rajaratjhinam/A3	Kadaiyam	154 of 2018	294(b), 324, 326, 506(ii) of IPC	PT
3.j	Rajaratjhinam/A3	Kadaiyam	315 of 2019	294(b), 307, 379, 506(ii) of IPC	PT
3.k	Rajaratjhinam/A3	Kadaiyam	391 of 2021	294(b), 427, 506(ii) of IPC	NTF
3.l	Rajaratjhinam/A3	Kadaiyam	204 of 2022	302 of IPC	PT
3.m	Rajaratjhinam/A3	Kadaiyam	371 of 2021	294(b), 324, 506(2) of IPC	NTF
3.n	Rajaratjhinam/A3	SIPCOT	48 of 2023	147, 148, ddd449, 302, 109, 120(B), 212 of IPC & 3(2)(v0 of SC/STs (PoA) Act, @ 147, 148, 149, 109, 120(B), 212, 449, 302, 34 of IPC & 3(2)(v0, 3(2)(vi) SC/St Act,	PT
4.a	Velmurugan/A4	Arumuganeri	154 of 2019	120(B), 294(b)m 323, 325, 506(ii) of IPC	PT
4.b	Velmurugan/A4	Arumuganeri	120 of 2021	147, 148, 294(b0, 323, 324 and 506(ii) of IPC	PT
4.c	Velmurugan/A4	Thoothukudi SIPCOT	48 of 2023	147, 148, 449, 302, 109, 120B, 212 of IPC & 3(2)(v) SC/STs, (POA) Act, @ 147, 148, 149, 109, 120(B), 212, 449, 302, 34 of IPC & 3(2)(v), 3(2)(vi) SC/ST Act,	PT
5.a	Muthuraj/A5	Arumuganeri	202 of 2019	147, 148, 149, 294(b), 323, 324 and 506(ii) of IPC	PT
5.b	Muthuraj/A5	Arumuganeri	212 of 2019	147, 148, 149, 294(b), 307, 323, 324, 326 and 506(ii) of IPC	PT
5.c	Muthuraj/A5	Arumuganeri	292 of 2020	294(b), 323, 324, 341, 363, 394, 395, 397 and 506(ii) of IPC	PT
5.d	Muthuraj/A5	Arumuganeri	120 of 2021	147, 148, 294(b), 323, 324, 506(ii) of IPC	PT



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

5.e	Muthuraj/A5	Arumuganeri	71 of 2022	294(b), 326, 506(ii) of IPC	PT
5.f	Muthuraj/A5	Arumuganeri	322 of 2022	120(B), 147, 148, 294(b), 307, 323, 379, 448, 506(ii) of IPC	Acq
5.g	Muthuraj/A5	Thoothukudi SIPCOT	48 of 2023	147, 148, 449, 302, 109, 120(B), 212 of IPC & 3(2)(v) SC/STs (POA) Act, @ 147, 148, 149, 109 and 120(B), 212, 449, 302, 34 of IPC & 3(2)(v), 3(2)(vi) SC/ST Act,	PT
5.h	Muthuraj/A5	Arumuganeri	87 of 2022	153, 504, 505(i)(b) of IPC @ 120(B), 153, 504, 505 (i)(b) of IPC	PT
5.i	Muthuraj/A5	Arumuganeri	77 of 2022	435 of IPC @ 147, 435 of IPC	PT
5.j	Muthuraj/A5	Arumuganeri	17 of 2022	294(b), 323, 379, 448 of IPC @ 294(b), 323, 427, 448 and 506(i) of IPC	PT
6.a	Baskar/A6	Arumuganeri	322 of 2022	120(b), 147, 148, 294(b), 307, 323, 379, 448 and 506(2) of IPC	Acq
6.b	Baskar/A6	Arumuganeri	17 of 2022	294(b), 323, 427, 448, 506(i) of IPC	PT
6.c	Baskar/A6	Arumuganeri	306 of 2020	294(b), 341, 387, 506(2) of IPC	PT
6.d	Baskar/A6	Arumuganeri	292 of 2020	294(b), 323, 324, 241, 363, 394, 395, 397, 506(2) r/w 34 of IPC	PT
6.e	Baskar/A6	Arumuganeri	212 of 2019	147,148,294(b), 307, 323, 324, 326, 506(2) r/w 34 of IPC	PT
6.f	Baskar/A6	Arumuganeri	154 of 2019	120(b), 294(b), 323, 325, 506(2) of IPC	PT
6.g	Baskar/A6	Arumuganeri	240 of 2015	75 of TNCPT Act	Con
6.h	Baskar/A6	Arumuganeri	161 of 2015	294(b), 324, 506(2) of IPC	Acq
6.i	Baskar/A6	Arumuganeri	324 of 2012	379 of IPC	Acq
6.j	Baskar/A6	Arumuganeri	303 of 2012	75 TNCPT Act	Con
6.k	Baskar/A6	Thattarmadam	140 of 2021	294(b), 427, 448, 506(2), 109 of IPC & 4 of TNPHW Act	PT
6.l	Baskar/A6	Thattarmadam	139 of 2021	294(b), 324, 325, 506(2) of IPC	PT
6.m	Baskar/A6	South P.S	446 of 2022	341, 294(b), 307, 506(2) of IPC	NTF
6.n	Baskar/A6	SIPCOT	48 of 2023	147, 148, 449, 302, 109, 120(B), 212 of IPC & 3(2)(v) SC/Sts (POA) Act, @ 147, 148, 149, 109, 120B, 212, 449, 302, 34 of IPC & 3(2)(v), 3(2)(vi) of SC/St Act,	PT



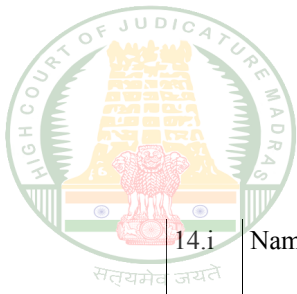
*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

7	Muthuraj Muthupandi / A7	@ SIPCOT	48 of 2023	147, 148, 449, 302, 109, 120(B), 212 of IPC & 3(2)(v) SC/STs (POA) Act, @ 147, 148, 149, 109, 120B, 212, 449, 302, 34 of IPC & 3(2)(v), 3(2)(vi) of SC/STAct,	PT
8.a	Dinesh/A8	South P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v) SC/ST (POA) Amendment Act, 2015	PT
8.b	Dinesh/A8	SIPCOT	48 of 2023	147, 148, 449, 302, 109, 120(B), 212 of IPC & 3(2)(v) SC/STs (POA) Act, @ 147, 148, 149, 109, 120B, 212, 449, 302, 34 of IPC & 3(2)(v), 3(2)(vi) of SC/STAct,	PT
9.a	Rajesh Rajaeshwaran/A9	@ SIPCOT	319 of 2012	394 of IPC	PT
9.b	Rajesh Rajaeshwaran/A9	@ Sankarankovil Town P.S.,	370 of 2016	147, 148, 149, 294(b), 341, 307, 387 of IPC	PT
9.c	Rajesh Rajaeshwaran/A9	@ Sankarankovil P.S.	366 of 2016	120(b), 147, 148, 149, 294(b), 302, 449, 506(ii) of IPC	Acq
9.d	Rajesh Rajaeshwaran/A9	@ Thisayanvial P.S.	319 of 2018	147, 201, 294(b), 302, 323, 364, 449, 506(ii) of IPC & 3 of TNPPDL Act,	PT
9.e	Rajesh Rajaeshwaran/A9	@ Pudukkottai	221 of 2019	147, 148, 341, 294(b), 302 and 506(ii), 120.B, 34, 149, 114, 352, 109 of IPC	PT
9.f	Rajesh Rajaeshwaran/A9	@ South P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC & 3(2)(v) SC/St (POA) Amendment Act, 2015	PT
9.g	Rajesh Rajaeshwaran/A9	@ SIPCOT P.S	48 of 2023	147, 148, 449, 302, 109, 120(B), 212 of IPC & 3(2)(v) SC/STs (POA) Act, @ 147, 148, 149, 109, 120B, 212, 449, 302, 34 of IPC & 3(2)(v), 3(2)(vi) of SC/STAct,	PT
9.h	Rajesh Rajaeshwaran/A9	@ Poonamallee P.S.	994 of 2024	132 of BNS, 42 of Prisons Act @ 8(c) 20 (b)(ii)(A) of NDPS Act,	UI
10.a	Peter @ Anthony Peter, Korampallam/A10	Thisayanvial P.S.	319 of 2018	147, 201, 294(b), 302, 323, 364, 449, 506(ii) of IPC & 3 of TNPPDL Act,	PT
10.b	Peter @ Anthony Peter, Korampallam/A10	Sankarankovil Town P.S.	370 of 2016	147, 148, 264(b), 341, 307, 387 of IPC	PT
10.c	Peter @ Anthony Peter, Korampallam/A10	South P.S	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v) SC/ST (POA) Amendment Act, 2015	PT



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

10.d	Peter @ Anthony Peter, Korampallam/A10	Palayamkottai P.S	176 of 2020	294(b), 506(i) of IPC	Referred
10.e	Peter @ Anthony Peter, Korampallam/A10	SIPCOT P.S	48 of 2023	147, 148, 449, 302, 109, 120(B), 212 of IPC & 3(2)(v) SC/STs (POA) Act, @ 147, 148, 149, 109, 120B, 212, 449, 302, 34 of IPC & 3(2)(v), 3(2)(vi) of SC/STAct,	PT
11.a	Ramesh/A11	Pudukottai	239 of 2016	341, 294(b), 387, 506(ii) of IPC	Acq
11.b	Ramesh/A11	South P.S	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v) SC/ST (POA) Amendment Act, 2015	PT
11.c	Ramesh/A11	South P.S.	730 of 2019	341, 294(b), 506(ii) of IPC and Section 3(1) @, 3(1) (s) of SC/ST (POA) Amendment Act 2015	PT
11.d	Ramesh/A11	SIPCOT P.S	48 of 2023	147, 148, 449, 302, 109, 120(B), 212 of IPC & 3(2)(v) SC/STs (POA) Act, @ 147, 148, 149, 109, 120B, 212, 449, 302, 34 of IPC & 3(2)(v), 3(2)(vi) of SC/STAct,	PT
12.a	Murugesan/A12	South P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v) SC/ST (POA) Amendment Act, 2015	PT
12.b	Murugesan/A12	SIPCOT P.S	48 of 2023	147, 148, 449, 302, 109, 120(B), 212 of IPC & 3(2)(v) SC/STs (POA) Act, @ 147, 148, 149, 109, 120B, 212, 449, 302, 34 of IPC & 3(2)(v), 3(2)(vi) of SC/STAct,	PT
13.a	Lakshmanaperumal/A13	SIPCOT P.S	48 of 2023	147, 148, 449, 302, 109, 120(B), 212 of IPC & 3(2)(v) SC/STs (POA) Act, @ 147, 148, 149, 109, 120B, 212, 449, 302, 34 of IPC & 3(2)(v), 3(2)(vi) of SC/STAct,	PT
14.a	Namonarayanan/A14	Eral P.S.	2 of 2021	147, 148, 294(b), 427, 448, 506(2), 109 & 4 of TNPHW Act,	PT
14.b	Namonarayanan/A14	Pudukkottai	260 of 2022	294(b), 323, 324, 506(2) of IPC	PT
14.c	Namonarayanan/A14	Pudukkottai	40 of 2022	294(b), 323, 341, 506(i) of IPC	Acq
14.d	Namonarayanan/A14	Pudukkottai	314 of 2019	294(b), 323, 324, 506(ii) of IPC	PT
14.e	Namonarayanan/A14	Pudukkottai	147 of 2018	294(b), 323, 506(2) of IPC	Referred
14.f	Namonarayanan/A14	Pudukkottai	49 of 2017	294(b), 307, 341, 506(2) of IPC	PT
14.g	Namonarayanan/A14	Pudukkottai	352 of 2016	75 of TNCPT Act	Con
14.h	Namonarayanan/A14	Pudukkottai	294 of 2015	75 of TNCPT Act	Con



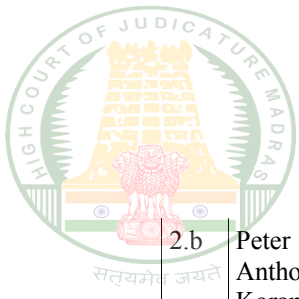
*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

14.i	Namonarayanan/A14	SIPCOT P.S	48 of 2023	147, 148, 449, 302, 109, 120(B), 212 of IPC & 3(2)(v) SC/STs (POA) Act, @ 147, 148, 149, 109, 120B, 212, 449, 302, 34 of IPC & 3(2)(v), 3(2)(vi) of SC/STAct,	PT
15	Sutherson/A15	<b>SIPCOT P.S</b>	<b>48 of 2023</b>	<b>147, 148, 449, 302, 109, 120(B), 212 of IPC &amp; 3(2)(v) SC/STs (POA) Act, @ 147, 148, 149, 109, 120B, 212, 449, 302, 34 of IPC &amp; 3(2)(v), 3(2)(vi) of SC/STAct,</b>	PT

#### 14.List of Criminal Cases on 21 Accused in Thoothukudi South

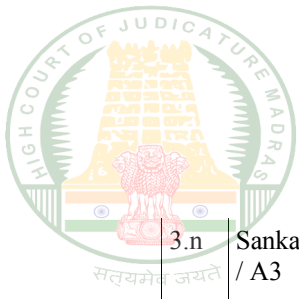
**P.S.Cr.No.533 of 2019(first murder case) :**

<b>Sl. No</b>	<b>Name of the accused</b>	<b>Police Station</b>	<b>Crime No</b>	<b>Offence under Section</b>	<b>Remarks</b>
1	Rajesh/A1	Sipcot	319 of 2012	394 of IPC	PT
1.b	Rajesh/A1	Sankarankovil Town Police Station	370 of 2016	147, 148, 294(b), 341, 307 and 387 of IPC	PT
1.c	Rajesh/A1	Sankarankovil P.S	366 of 2016	120(b), 147, 148, 149, 294(b). 302, 449, 506(ii) of IPC	Acq
1.d	Rajesh/A1	Thisayanvial	319 of 2018	147, 201, 2949b), 302, 323, 364, 449, 506(ii) of IPC & Section 3 of TNPPDL Act,	PT
1.e	Rajesh/A1	Pudukkottai	221 of 2019	147, 148, 341, 294(b), 302, 506(ii), 120(b), 34, 149, 114, 352, 109 of IPC	PT
1.f	Rajesh/A1	South P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v) SC/ST (POA) Amendment Act, 2015	PT
1.g	Rajesh/A1	SIPCOT P.S	48 of 2023	147, 148, 449, 302, 109, 120(B), 212 of IPC & 3(2)(v) SC/STs (POA) Act, @ 147, 148, 149, 109, 120B, 212, 449, 302, 34 of IPC & 3(2)(v), 3(2)(vi) of SC/STAct,	PT
1.h	Rajesh/A1	Poonamallee P.S.	994 of 2024	132 of BNS, 42 of Prisons Act @ 8(c) 20 (b)(ii)(A) of NDPS Act,	UI
2.a	Peter @ Anthony Peter, Korampallam/ A2	Thisayanvial	319 of 2018	147, 201, 2949b), 302, 323, 364, 449, 506(ii) of IPC & Section 3 of TNPPDL Act,	PT



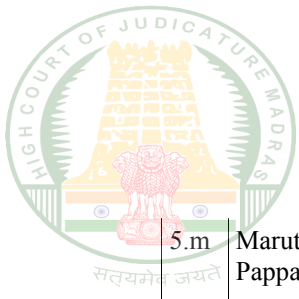
*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

2.b	Peter Anthony Peter, Korampallam/ A2 @	Sankarankovil Police Station Town	370 of 2016	147, 148, 294(b), 341, 307 and 387 of IPC	PT
2.c	Peter Anthony Peter, Korampallam/ A2 @	South P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v) SC/ST (POA) Amendment Act, 2015	P.T
2.d	Peter Anthony Peter, Korampallam/ A2 @	Palayamkottai P.S	176 of 2020	294(b), 506(i) of IPC	Referred
2.e	Peter Anthony Peter, Korampallam/ A2 @	SIPCOT P.S	48 of 2023	147, 148, 449, 302, 109, 120(B), 212 of IPC & 3(2)(v) SC/STs (POA) Act, @ 147, 148, 149, 109, 120B, 212, 449, 302, 34 of IPC & 3(2)(v), 3(2)(vi) of SC/STAct,	PT
3.a	Sankaramoorthy / A3	South P.S.	967 of 2011	147, 148, 149, 120(b), 341, 294(b), 302 of IPC	Acq
3.b	Sankaramoorthy / A3	South P.S.	700 of 2012	341, 294(b), 324, 307 of IPC	NTF
3.c	Sankaramoorthy / A3	South P.S.	701 of 2012	341, 294(b), 307, 506(ii) of IPC	Acq
3.d	Sankaramoorthy / A3	Sipcot	384 of 2014	8(c) r/w 20(b)(II)(A) of N.D.P.S.Act,	Referred
3.e	Sankaramoorthy / A3	South P.S.	261 of 2014	341, 294(b), 307, 506(ii) of IPC	NTF
3.f	Sankaramoorthy / A3	South P.S.	731 of 2014	452, 294(b), 324, 506(ii) of IPC & 4 of TNPHW Act,	Acq
3.g	Sankaramoorthy / A3	Kovilpatti West P.S.	06 of 2016	Girl Missing @ 366, 493 of IPC & 5(1), 6 of POCSO Act,	Acq
3.h	Sankaramoorthy / A3	Central P.S.	755 of 2016	294(b), 324, 506(ii) of IPC	PT
3.i	Sankaramoorthy / A3	South P.S.	139 of 2017	294(b), 307, 506(ii) of IPC	PT
3.j	Sankaramoorthy / A3	Pudukkottai	152 of 2018	341, 294(b), 387, 506(ii) of IPC	PT
3.k	Sankaramoorthy / A3	Rathapuram	206 of 2018	341, 294(b), 387, 506(ii) of IPC	PT
3.l	Sankaramoorthy / A3	Thisayanvilai	319 of 2018	147, 201, 294(b), 302, 323, 364, 449, 506(ii) of IPC & TNPPL Act,	PT
3.m	Sankaramoorthy / A3	South P.S.	466 of 2019	341, 294(b), 387, 506(ii) of IPC	PT



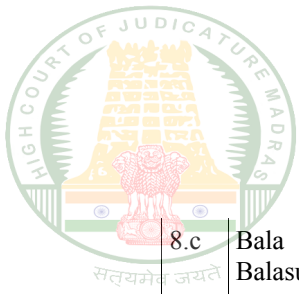
*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

3.n	Sankaramoorthy / A3	Sourth P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v0 SC/ST (POA) Amendment Act, 2015	P.T
4.a	Boopesh Kannan / A4	South P.S.	967 of 2011	147, 148, 149, 120(b), 341, 294(b), 302 of IPC	Acq
4.b	Boopesh Kannan / A4	South P.S.	249 of 2013	341, 294(b), 387, 506(ii) of IPC	
4.c	Boopesh Kannan / A4	Thalamuthunagar	396 of 2014	399 of IPC	
4.d	Boopesh Kannan / A4	Kurumbur	396 of 2014	399 of IPC	
4.e	Boopesh Kannan / A4	Thisayanvilai	319 of 2018	147, 201, 294(b), 302, 323, 364, 449, 506(ii) of IPC & TNPPPL Act,	PT
4.f	Boopesh Kannan / A4	Sourth P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v0 SC/ST (POA) Amendment Act, 2015	P.T
4.g	Boopesh Kannan / A4	Rathapuram	206 of 2018	341, 294(b), 387, 506(ii) of IPC	PT
5.a	Maruthavel Pappadai @	South P.S	641 of 2015	341, 294(b), 307, 506(ii) of IPC	NTF
5.b	Maruthavel Pappadai @	South P.S.	1069 of 2015	341, 294(b), 307, 506(ii) of IPC	Acq
5.c	Maruthavel Pappadai @	South P.S.	864 of 2016	294(b), 307, 506(ii) of IPC	NTF
5.d	Maruthavel Pappadai @	South P.S.	1421 of 2016	341, 294(b), 387, 506(ii) of IPC	Acq
5.e	Maruthavel Pappadai @	South P.S.	278 of 2019	147, 148, 294(b), 506(ii) of IPC	PT
5.f	Maruthavel Pappadai @	North P.S	169 of 2019	8(c) r/w 20 (b)(ii)(B), 29(1) of NDPS Act,	Acq
5.g	Maruthavel Pappadai @	Thattaparai P.S	23 of 2016	294(b), 307, 506(ii) of IPC	Acq
5.h	Maruthavel Pappadai @	SIPCOT	497 of 2018	341, 323, 326, 506(ii) of IPC 3 of TNPPDL Act,	PT
5.i	Maruthavel Pappadai @	SIPCOT	170 of 2019	294(b), 506(ii) of IPC	PT
5.j	Maruthavel Pappadai @	SIPCOT	171 of 2019	294(b), 506(ii) of IPC & 3 of TNPPDL Act,	NTF
5.k	Maruthavel Pappadai @	Pudukkottai	223 of 2017	147, 294(b), 323, 326, 506(ii) of IPC & 3 (1)(r), 3(S), 3(2)(V) of SC/ST Act	PT
5.l	Maruthavel Pappadai @	Pudukkottai	184 of 2018	341, 294(b), 324, 506(ii) of IPC	PT



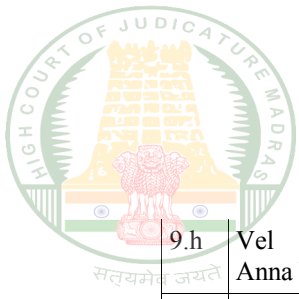
Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026

5.m	Maruthavel Pappadai @	South P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v0 SC/ST (POA) Amendment Act, 2015	P.T
6.a	Vicky Vigneswaran @ Vignesh Kumar / A6	Sankarankovil	366 of 2016	120(b), 147, 148, 149, 294(b) 302, 449, 506(ii) of IPC	Acq
6.b	Vicky Vigneswaran @ Vignesh Kumar / A6	South P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v0 SC/ST (POA) Amendment Act, 2015	P.T
7.a	Sathyaraj, Kuliyanarisal / A7	Pudukkottai	366 of 2014	147, 294 (b), 323, 506(ii) of IPC	UI
7.b	Sathyaraj, Kuliyanarisal / A7	Pudukkottai	258 of 2016	294(b), 323, 506(ii) of IPC	PT
7.c	Sathyaraj, Kuliyanarisal / A7	Pudukkottai	145 of 2017	147, 294(b), 323, 506(ii) of IPC	Acq
7.d	Sathyaraj, Kuliyanarisal / A7	Pudukkottai	117 of 2019	4(A), IES Act, 294 (b), 307, 506(ii) of IPC	UI
7.e	Sathyaraj, Kuliyanarisal / A7	Sawerpuram	82 of 2018	294(b), 324, 506(ii) of IPC	PT
7.f	Sathyaraj, Kuliyanarisal / A7	Sawerpuram	22 of 2019	291 of IPC	Con
7.g	Sathyaraj, Kuliyanarisal / A7	Thisayanvilai	319 of 2018	147, 201, 294(b), 302, 323, 364, 449, 506(ii) of IPC & TNPPPL Act,	PT
7.h	Sathyaraj, Kuliyanarisal / A7	South P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v0 SC/ST (POA) Amendment Act, 2015	P.T
8.a	Bala Balasubramanian K.V.K.Nagar / A8	South P.S.	540 of 2017	294(b), 324 of IPC	NTF
8.b	Bala Balasubramanian K.V.K.Nagar / A8	South P.S.	805 of 2017	294(b), 324, 506(ii) of IPC	PT



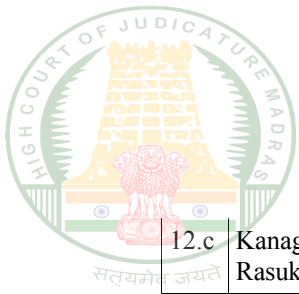
*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

8.c	Bala @ Balasubramaniyan K.V.K.Nagar / A8	South P.S.	321 of 2018	294(b), 307, 353, 506(ii) of IPC	Referred
8.d	Bala @ Balasubramaniyan K.V.K.Nagar / A8	South P.S.	278 of 2019	147, 148, 294(b), 506(ii) of IPC & 4 of TNPHW Act	PT
8.e	Bala @ Balasubramaniyan K.V.K.Nagar / A8	Pudukkottai	299 of 2017	147, 294(b), 307 of IPC	NTF
8.f	Bala @ Balasubramaniyan K.V.K.Nagar / A8	Pudukkottai	357 of 2018	8(c) r/w 20 (b) (II) (B) of NDPS Act	PT
8.g	Bala @ Balasubramaniyan K.V.K.Nagar / A8	Thisayanvilai	319 of 2018	147, 201, 294(b), 302, 323, 364, 449, 506(ii) of IPC & 3 TNPPL Act,	PT
8.h	Bala @ Balasubramaniyan K.V.K.Nagar / A8	South P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(0) SC/ST (POA) Amendment Act, 2015	P.T
8.i	Bala @ Balasubramaniyan K.V.K.Nagar / A8	Tirunelveli City Perumalpuram	86 of 2024	294(b), 307, 324, 506(2) of IPC 45(2) of Prisons Act,	UI
9.a	Vel Sankar, Anna Nagar / A9	South P.S.	967 of 2011	147, 148, 149, 120(B), 341, 294(b), 302 of IPC	Acq
9.b	Vel Sankar, Anna Nagar / A9	South P.S.	933 of 2016	302 of IPC @ 109, 147, 148, 294(b), 341, 302 of IPC	Acq
9.c	Vel Sankar, Anna Nagar / A9	South P.S.	864 of 2016	294(b), 307, 506(ii) of IPC	NTF
9.d	Vel Sankar, Anna Nagar / A9	South P.S.	527 of 2016	294(B), 341, 307, 506(ii) of IPC 3 of TNPPDL Act	NTF
9.e	Vel Sankar, Anna Nagar / A9	South P.S.	441 of 2014	294(b), 341, 387, 506(ii) of IPC	Acq
9.f	Vel Sankar, Anna Nagar / A9	North P.S.	300 of 2018	294(b), 341, 307, 387, 506(ii) of IPC	PT
9.g	Vel Sankar, Anna Nagar / A9	North P.S.	535 of 2017	147, 294(b), 342, 353, 307 of IPC & 3 of TNPPDL Act,	Acq



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

9.h	Vel Sankar, Anna Nagar / A9	North P.S.	571 of 2012	294(b), 324, 506(ii) of IPC @ 302, 34 of IPC	PT
9.i	Vel Sankar, Anna Nagar / A9	North P.S.	483 of 2015	294(b), 387, 506(ii) of IPC	
9.j	Vel Sankar, Anna Nagar / A9	Central P.S.	755 of 2016	294(b), 324, 506(ii) of IPC	PT
9.k	Vel Sankar, Anna Nagar / A9	SIPCOT	497 of 2018	323, 326, 34, 341, 506(ii) of IPC & 3 of TNPPDL Act,	NTF
9.l	Vel Sankar, Anna Nagar / A9	South P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v) SC/ST (POA) Amendment Act, 2015	P.T
9.m	Vel Sankar, Anna Nagar / A9	Arumuganeri	17 of 2019	147, 148, 294(b), 323, 324, 506(2) of IPC @ 147, 148, 149, 294(b), 323, 324, 325 and 506(2) of IPC	PT
10.	Balasubramaniyan s/o Pon Murugan, Mullakadu / A10	Pudukkottai	145 of 2017	147, 294(b), 323, 506(ii) of IPC	Acq
10.b	Balasubramaniyan s/o Pon Murugan, Mullakadu / A10	Sankarankovil	366 of 2016	120(b), 147, 148, 149, 294(b), 302, 449 and 506(ii) of IPC	Acq
10.c	Balasubramaniyan s/o Pon Murugan, Mullakadu / A10	South P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v) SC/ST (POA) Amendment Act, 2015	P.T
11.a	Kanthavel, Masilamanipuram, Sawerpuram / A11	Sawerpuram	111 of 2018	294(b), 387, 506(ii) of IPC	Acq
11.b	Kanthavel, Masilamanipuram, Sawerpuram / A11	Sawerpuram	121 of 2017	294(b), 323, 326, 506(ii) of IPC	Acq
11.c	Kanthavel, Masilamanipuram, Sawerpuram / A11	Pudukkottai	311 of 2018	294(b), 323, 324, 506(ii) of IPC	PT
11.d	Kanthavel, Masilamanipuram, Sawerpuram / A11	South P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v) SC/ST (POA) Amendment Act, 2015	P.T
12.	Kanagaraj @ Rasukutti / A12	South P.S.	831 of 2016	294(b), 307, 506(ii) of IPC & 3 of TNPPDL Act	NTF
12.b	Kanagaraj @ Rasukutti / A12	South P.S.	506 of 2016	294(b), 341, 387, 506(ii) of IPC	Acq



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

12.c	Kanagaraj @ Rasukutti / A12	South P.S.	641 of 2016	294(b), 341, 307, 506(ii) of IPC	Acq
12.d	Kanagaraj @ Rasukutti / A12	North P.S	169 of 2019	8(c) r/w 20(b) (II)(B), 29(I) of NDPS Act	Acq
12.e	Kanagaraj @ Rasukutti / A12	South P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v) SC/ST (POA) Amendment Act, 2015	P.T
12.f	Kanagaraj @ Rasukutti / A12	SIPCOT	170 of 2019	294(B), 506(ii) of IPC	PT
12.g	Kanagaraj @ Rasukutti / A12	Pudukkottai	184 of 2018	147, 148, 294(b), 324, 341, 506(2) of IPC @ 294(b), 324, 341, 506(2) of IPC	PT
12.h	Kanagaraj @ Rasukutti / A12	Pudukkottai	223 of 2017	147, 294(b), 323, 324, 506(2) of IPC 3(1)(r), 3(1)(s), 3(2)(va) @ 147, 294(b), 323, 326, 506(2) of IPC 3(1)(r), 3(1)(s), 3(2)(va)	PT
13.a	Vickey @ Vignesh, Korampallam / A13	Pudukkottai	145 of 2017	147, 294(b), 323, 506(ii) of IPC	Acq
13.b	Vickey @ Vignesh, Korampallam / A13	Sawerpuram	22 of 2019	291 of Ipc	Con
13.c	Vickey @ Vignesh, Korampallam / A13	SIPCOT	116 of 2018	107, 147, 148, 294(b), 307, 324, 506(ii) of IPC	PT
13.d	Vickey @ Vignesh, Korampallam / A13	South P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v) SC/ST (POA) Amendment Act, 2015	P.T
14.a	Selvakumar / A14	Thisayanvilai	319 of 2018	147, 201, 294(b), 302, 323, 364, 449, 506(ii) of IPC & 3 TNPPPL Act,	PT
14.b	Selvakumar / A14	South P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v) SC/ST (POA) Amendment Act, 2015	P.T
15.a	Dinesh / A15	South P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v) SC/ST (POA) Amendment Act, 2015	P.T
15.b	Dinesh / A15	SIPCOT P.S	48 of 2023	147, 148, 449, 302, 109, 120(B), 212 of IPC & 3(2)(v) SC/STs (POA) Act, @ 147, 148, 149, 109, 120B, 212, 449, 302, 34 of IPC & 3(2)(v), 3(2)(vi) of SC/STAct,	PT



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

16.a	Thangam, TNHB Colony, thoothukudi / A16	SIPCOT P.S	497 of 2018	341, 323, 326 and 506(ii) of IPV & 3 of TNPPDL Act	NTF
16.b	Thangam, TNHB Colony, thoothukudi / A16	South P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v) SC/ST (POA) Amendment Act, 2015	P.T
17.	Ponsaravana Perumal Bala / A17	South P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v) SC/ST (POA) Amendment Act, 2015	P.T
18.a	Jesubalan @ Kurumbur Bala	Sankarankovil	366 of 2016	120(b), 147, 148, 149, 294(b), 302, 449, 506(ii) of IPC	Acq
18.b	Jesubalan @ Kurumbur Bala	Sankarankovil	370 of 2016	147, 148, 294(b), 307, 341, 387 of IPC	PT
18.c	Jesubalan @ Kurumbur Bala	Muthiahpuram	357 of 2018	294(b), 323, 324, 341s, 448 and 506(ii) of IPC	Con
18.d	Jesubalan @ Kurumbur Bala	Pavoor Chathiram	461 of 2017	294(B), 397, 506(ii) of IPC	NTF
18.e	Jesubalan @ Kurumbur Bala	Thisayanvilai	319 of 2018	147, 201, 294(b), 302, 323, 364, 449, 506(ii) of IPC & 3 TNPPDL Act,	PT
18.f	Jesubalan @ Kurumbur Bala	South P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v) SC/ST (POA) Amendment Act, 2015	P.T
18.g	Jesubalan @ Kurumbur Bala	Sawyerpuram	82 of 2018	294(b), 324, 506(2) of IPC	PT
19.a	Ramesh / A19	Pudukkottai	239 of 2016	341, 294(b), 387, 506(ii) of IPC	Acq
19.b	Ramesh / A19	South P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v) SC/ST (POA) Amendment Act, 2015	P.T
19.c	Ramesh / A19	South P.S	730 of 2019	341, 294(b), 506(ii) of IPC and 3(1) ®, 3(1)(s) of SC/ST (POA) Amendment Act, 2015	PT
19.d	Ramesh / A19	SIPCOT P.S	48 of 2023	147, 148, 449, 302, 109, 120(B), 212 of IPC & 3(2)(v) SC/STs (POA) Act, @ 147, 148, 149, 109, 120B, 212, 449, 302, 34 of IPC & 3(2)(v), 3(2)(vi) of SC/STAct,	PT
20.a	Periyadurai Aniyabaranallur / A20	Pudukkottai	240 of 2019	379 of IPC	NTF

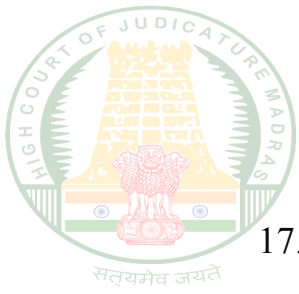


Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026

20.b	Periyadurai Aniyabaranallur / A20	South P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v) SC/ST (POA) Amendment Act, 2015	P.T
21.a	Murugesan A21	South P.S.	533 of 2019	147, 148, 341, 294(b), 302, 506(ii) r/w 34, 109 of IPC and 3(2)(v) SC/ST (POA) Amendment Act, 2015	P.T
21.b	Murugesan A21	SIPCOT P.S	48 of 2023	147, 148, 449, 302, 109, 120(B), 212 of IPC & 3(2)(v) SC/STs (POA) Act, @ 147, 148, 149, 109, 120B, 212, 449, 302, 34 of IPC & 3(2)(v), 3(2)(vi) of SC/STAct,	PT

15.This Court considered the rival submissions made by the learned counsel appearing for the appellants and the learned Additional Public Prosecutor appearing for the respondent and the learned counsel appearing for the *defacto* complainant and perused the materials available on record and the precedents relied and perused the reports submitted by the learned Special Judge, the typed set of papers produced by the accused, as well as the materials placed by the *defacto* complainant and the prosecution along with counter affidavits and additional counter affidavits and impugned bail dismissal orders.

16.The question for consideration in these criminal appeals is whether the appellants are justified in preferring successive bail applications on the ground of prolonged incarceration pending completion of trial?



Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026

### 17. Discussion on facts:

WEB COPY For the sake of brevity and for better appreciation of the facts, this Court reiterates the prosecution case as already set out in the earlier appeal in Crl.A. (MD).No.494 of 2023, which need not be reproduced in detail herein.

17.1. According to the prosecution, the deceased, Advocate P.K.Muthukumar, and the *defacto* complainant were opposing the bail applications of the accused involved in the earlier murder case of their brother, P.K.Shivakumar (Crime No.533 of 2019). Due to this, the accused allegedly conspired to eliminate P.K.Muthukumar. It is alleged that the accused, while in jail, hatched a conspiracy with the present appellant and other accused and murdered the deceased on 22.02.2023 at Thoothukudi. Based on the complaint, a case was registered in Crime No.48 of 2023 for offences under various provisions of IPC and the SC/ST (Prevention of Atrocities) Act. After investigation, a final report was filed against 15 accused. The appellant's bail application was dismissed by the trial Court vide impugned orders, which is now challenged before this Court.

### 18. Discussion on the principles:

The learned counsel appearing for the accused, relying on various



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

judgments of the Hon'ble Supreme Court In the case of ***Aadya Prasad Tiwari***

**WEB vs. State of Uttar Pradesh and another in Crl.A.No.195 of 2026** (ii) In the case of ***Arvind Dham vs. Directorate of Enforcement*** reported in ***2026 INSC 12*** (iii) In the case of ***Dheeraj Wadhawan vs. Central Bureau of Investigation*** reported in ***2025 Live Law (SC) 1212*** (iv) In the case of ***Karan Talwar vs. The State of Tamil Nadu*** reported in ***2024 INSC 1012*** (v) In the case of ***Chitan Rajubhai Panseriya vs. The State of Maharashtra*** reported in ***S.L.P.(Crl.).No. 439 of 2026*** (vi) In the case of ***Gopinath vs. The State in Crl.A.No.1177 of 2025*** (vii) In the case of ***Kalaiselvan vs. The State in Crl.A.No.1888 of 2025*** **would** contend that they are entitled to be enlarged on bail on the ground of prolonged incarceration. It is further submitted that the trial is likely to be protracted, as the examination of more than 90 witnesses is required, and there is no likelihood of its early disposal. Hence, placing reliance on the said judgment, the accused seek grant of bail.

18.1. On the other hand, the learned counsel appearing for the de facto complainant and the learned Additional Public Prosecutor contended that the present case stands on a different footing, and the judgments relied upon by the learned counsel for the accused are not applicable to the facts of this case. It is submitted that there has been deliberate obstruction to the progress of the trial at the instance of the accused, and that they have not cooperated for the



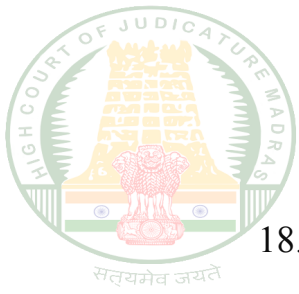
*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

expeditious conclusion of the trial despite specific directions issued by this

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Court. It is further contended that there is a persistent threat to the prosecution witnesses. The gravity of the offence is also emphasized, particularly in view of the fact of two murder cases concerning members of the same family, including the brutal killing of one Johnson @ Sargunam in a public place, namely the court premises and a bazaar area, which has significant bearing on the present case. In such circumstances, it is submitted that the bail application deserves to be dismissed, especially in the absence of any change in circumstances since the earlier dismissal by this Court, and in view of the persistent threat posed to the witnesses.

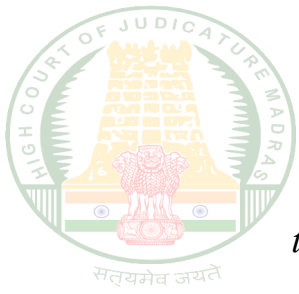
18.2. This Court has to balance both competing considerations. While safeguarding the personal liberty of the accused against undue incarceration, this Court is equally bound to ensure the protection of the witnesses and the fairness of the trial. To find out a solution to the complex problem and to meet out the balance between two situations, namely, the prolonged incarceration of the accused without conclusion of the trial, and the persistent threat to the witnesses as well as the criminal antecedents of the accused, this Court recapitulates the following principles relating to the grant of bail laid down by the Hon'ble Supreme Court.



Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026

18.3. In cases involving heinous offences, the Hon'ble Supreme Court has held that, while dealing with successive bail applications, courts must refrain from considering irrelevant factors and are required to consider the material facts on record, apply their judicial mind to the facts of the case, and duly account for the gravity of the offence, witnesses protection, Criminal antecedents of the accused and change of circumstances and in these aspects, it is relevant to extract the following Hon'ble three member bench of Supreme Court in the case of ***Kalyan Chandra Sarkar v. Rajesh Ranjan***, reported in **(2005) 2 SCC 42**

*18. It is trite law that personal liberty cannot be taken away except in accordance with the procedure established by law. Personal liberty is a constitutional guarantee. However, Article 21 which guarantees the above right also contemplates deprivation of personal liberty by procedure established by law. Under the criminal laws of this country, a person accused of offences which are non-bailable is liable to be detained in custody during the pendency of trial unless he is enlarged on bail in accordance with law. Such detention cannot be questioned as being violative of Article 21 since the same is authorised by law. But even persons accused of non-bailable offences are entitled to bail if the court concerned comes to the conclusion that the prosecution has failed to establish a prima facie case against him and/or if the court is satisfied for reasons to be recorded that in spite of the existence of prima facie case*



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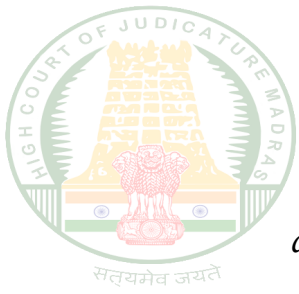


Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026

*there is a need to release such persons on bail where fact situations require it to do so. In that process a person whose application for enlargement on bail is once rejected is not precluded from filing a subsequent application for grant of bail if there is a change in the fact situation. In such cases if the circumstances then prevailing require that such persons be released on bail, in spite of his earlier applications being rejected, the courts can do so.*

*19. The principles of res judicata and such analogous principles although are not applicable in a criminal proceeding, still the courts are bound by the doctrine of judicial discipline having regard to the hierarchical system prevailing in our country. The findings of a higher court or a coordinate Bench must receive serious consideration at the hands of the court entertaining a bail application at a later stage when the same had been rejected earlier. In such an event, the courts must give due weight to the grounds which weighed with the former or higher court in rejecting the bail application. Ordinarily, the issues which had been canvassed earlier would not be permitted to be reagitated on the same grounds, as the same would lead to a speculation and uncertainty in the administration of justice and may lead to forum hunting.*

*20. The decisions given by a superior forum, undoubtedly, are binding on the subordinate fora on the same issue even in bail matters unless of course, there is a material change in the fact situation calling for a different view being taken. Therefore, even though there is room for filing a subsequent bail*



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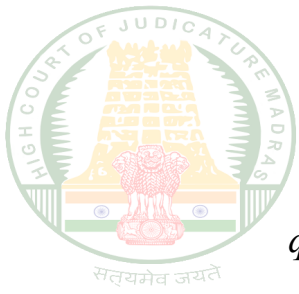


Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026

*application in cases where earlier applications have been rejected, the same can be done if there is a change in the fact situation or in law which requires the earlier view being interfered with or where the earlier finding has become obsolete. This is the limited area in which an accused who has been denied bail earlier, can move a subsequent application. Therefore, we are not in agreement with the argument of learned counsel for the accused that in view of the guarantee conferred on a person under Article 21 of the Constitution, it is open to the aggrieved person to make successive bail applications even on a ground already rejected by the courts earlier, including the Apex Court of the country.*

18.4. In the case of *Ash Mohammad v. Shiv Raj Singh @ Lalla Bahu* reported in 2012 9 SCC 446 the Hon'ble Supreme Court stated that although period of custody is relevant, the Court must weigh the totality of circumstances, namely, nature of the crime and criminal antecedents of the accused and the relevant paragraph is as follows:

*32. We may usefully state that when the citizens are scared to lead a peaceful life and this kind of offences usher in an impediment in establishment of orderly society, the duty of the court becomes more pronounced and the burden is heavy. There should have been proper analysis of the criminal antecedents. Needless to say, imposition of conditions is subsequent to the order admitting an accused to bail. The*



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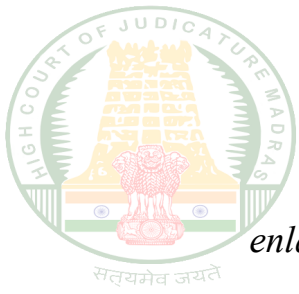


Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026

*question should be posed whether the accused deserves to be enlarged on bail or not and only thereafter issue of imposing conditions would arise. We do not deny for a moment that period of custody is a relevant factor but simultaneously the totality of circumstances and the criminal antecedents are also to be weighed. They are to be weighed in the scale of collective cry and desire. The societal concern has to be kept in view in juxtaposition of individual liberty. Regard being had to the said parameter we are inclined to think that the social concern in the case at hand deserves to be given priority over lifting the restriction of liberty of the accused.*

18.5. In the case of ***Kalyan Chandra Sarkar v. Rajesh Ranjan***, reported in (2005) 2 SCC 42, the Hon'ble Three Judges Bench of the Supreme Court has held that nearly the accused has undergone three years period of incarceration and the trial is not likely to be concluded it would not enure to the accused to enlarge him on bail and the relevant paragraph is as follows:

*“....the High Court has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being*



Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026

*enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail.”*

18.6. In the case of ***State of Karnataka v. Sri Darshan***, reported in **2025 SCC OnLine SC 1702** the Hon'ble Supreme court elaborately considered almost all principles after considering the earlier precedents and cancelled the bail granted by the Court below holding that *period of incarceration by itself would not entitle the accused to being enlarged on bail and more particularly, when the witnesses are under continuous threat perception and the offences are more heinous*. The seriousness and heinous nature of the alleged offence is a significant factor for consideration, while evaluating a plea for grant of bail.

18.7. This Court carefully considered the aforesaid precedents and perused the relevant records in order to examine the plea raised by the learned counsel appearing for the accused that the trial had been prolonged without any fault on the part of the accused. From a perusal of the records, the reports submitted by the learned Trial Judge to this Court during the course of the hearing, and the materials placed before this Court, it is evident that the accused, namely the appellant in the connected appeal, had earlier preferred a



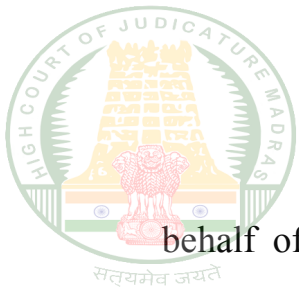
*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

bail appeal before this Court in Criminal Appeal (MD) No. 494 of 2023.

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19.This Court, after elaborate consideration of the materials available on record and taking into account the gravity of the allegations, the involvement of hired killers, the vulnerability of the witnesses, the continuous threats extended to the witnesses, and the stringent provisions under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, dismissed the bail petition and directed the learned Trial Judge to conduct the trial within the jail premises in order to ensure the safety and security of the witnesses. The said order was challenged before the Hon'ble Supreme Court by way of Special Leave Petition in SLP (Criminal) No. 422 of 2025, which was also dismissed, thereby confirming the directions issued by this Court.

20.Pursuant to the said directions, the learned Trial Judge took efforts to proceed with the trial. However, two learned Judges, who dealt with the case at different stages, submitted reports before this Court expressing their difficulties in conducting the proceedings. One of the learned Judges, who had initially dealt with the matter, expressed difficulty in proceeding further with the trial on account of the repeated conduct of the accused in filing petition after petition, thereby obstructing the progress of the case. The learned counsel appearing on



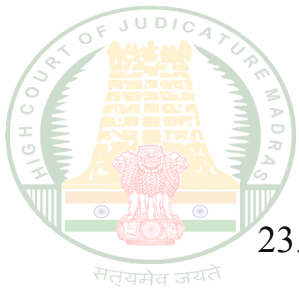
*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

behalf of the accused had also exhibited an indifferent attitude towards the

learned Trial Judge during the course of the proceedings.

21.Subsequently, another learned Judge also expressed difficulty in proceeding with the matter, stating that even notices issued to the accused were refused and that charges themselves could not be framed on account of the total lack of cooperation on the part of the accused. Consequently, the learned Trial Judge reported that the case had not progressed even beyond the stage of framing of charges.

22.In the aforesaid circumstances, this Court perused the reports submitted by the learned Trial Judges, as well as the counter affidavits filed by the de facto complainant and the prosecution, wherein it was specifically stated that more than 150 interlocutory applications had been filed by the accused, either seeking similar reliefs under different nomenclatures or raising repetitive grounds in different forms. It was only after the dismissal of such petitions that the matter could be moved to the next stage of the proceedings. Even thereafter, fresh petitions continued to be filed, thereby repeatedly stalling the progress of the trial.

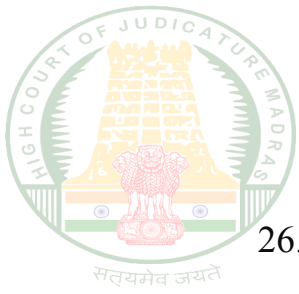


*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

23. In the said circumstances, this Court intervened and issued directions for expeditious conduct of the trial. At that stage, charges alone had been framed and the case was thereafter posted for trial.

24. At this stage, there was continuous intimidation and threatening of witnesses. Even though the trial was conducted within the jail premises, the witnesses were required to travel from Tuticorin District to the prison premises situated in Tirunelveli District, covering a considerable distance, during which period they were allegedly subjected to repeated threats from various sources connected with the accused.

25. The materials placed before this Court further reveal that such threats to witnesses were not confined to the present case alone. Even prior to the murder involved in the present case, the deceased himself had allegedly faced threats during the pendency of the earlier murder case relating to the murder of his brother, in respect of which an FIR had been registered, investigation completed, and final report filed regarding witness intimidation, and the trial was pending in S.C. No.25 of 2023.



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

26. Subsequent to the murder of the deceased in the present case, the de facto complainant and other prosecution witnesses also allegedly faced continuous threats. Recently, two witnesses turned hostile, and threats were allegedly proliferated to the remaining witnesses as well. Consequently, another FIR came to be registered in Tirunelveli District containing specific allegations regarding intimidation of witnesses. In connection with the said FIR, one of the accused persons has been arrested and the investigation is presently in progress.

27. Further, the de facto complainant also filed a writ petition before this Court seeking police protection on account of life threats. This Court passed appropriate orders in the said writ petition. In view of the above circumstances, this Court is satisfied that continuous threats to the witnesses still persist. Therefore, the learned Additional Public Prosecutor as well as the de facto complainant have rightly enumerated the circumstances relating to intimidation and threats faced by the witnesses in the present case.

28. This Court, from the reports filed by the investigating agency, the counter affidavit and rejoinder filed by the de facto complainant, the records relating to the FIR registered for witness intimidation, the final report filed in the earlier case concerning threats to witnesses, and the orders passed by this



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

Court granting police protection to the de facto complainant and his family

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members, clearly finds that there exists a genuine and substantial threats to the witnesses. The said apprehension also stands fortified by the fact that two material witnesses have already turned hostile.

29. Apart from that, the learned Special Public Prosecutor also filed a petition before the learned Trial Judge seeking stay of the trial proceedings for a limited period after the hostility of the two witnesses and upon the registration of the FIR before the Tirunelveli police authorities regarding witness intimidation. Subsequently, one of the accused in the said FIR was arrested, and thereafter the trial proceedings recommenced.

30. In view of all the aforesaid circumstances, this Court is not inclined to consider the plea of the accused seeking bail on the ground of prolonged incarceration. In the peculiar facts and circumstances of the present case, the safety and lives of the witnesses assume greater significance than the continued incarceration of the accused in prison.

31. This Court also takes into consideration the criminal antecedents of the accused in both cases, which have their own significance in considering the



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

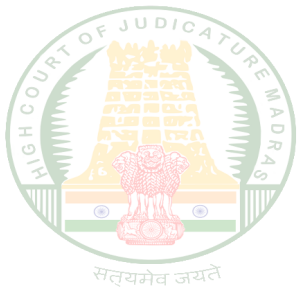
request for bail. Further, the prosecution has now placed before this Court the

WEB detailed hearing schedule and has also undertaken to complete the trial within a period of two months. In view of the above circumstances, this Court is not inclined to grant bail to the petitioners.

32.This Court also finds that there is no change in circumstances, except the further period of incarceration. On the contrary, the witnesses continue to remain under constant threat, and the intensity of intimidation appears to have increased subsequent to the dismissal of the earlier bail petition in the connected case.

33.This Court had already recorded its following observations in the earlier order in Crl.A.(MD).No.494 of 2023 dated 10.11.2023, which was subsequently confirmed by the Hon'ble Supreme Court in S.L.P.(Crl).No.422 of 2025:

எனது அண்ணன் படுகொலைக்குமேற்படி ரமேஷ் முருகேசன் மற்றும் அவர்களின் மைத்துனரான பெரியதுரை ஆகியோர்கள் மற்றும் தேன்ராஜ் மந்திரம் துண்டுதலின் பேரிலே எனது அண்ணன் பி.கே.முத்துக்குமார் கொலை செய்யப்பட்டார். மேற்படி நபர்களால் நானும் என் குடும்பத்தினரும் மிகுந்த உயிர் அச்சத்தில் உள்ளோம். மேற்படி நபர்களின் மீது வழக்கு பதிவு செய்து உரிய நடவடிக்கை எடுக்குமாறு கேட்டுக்கொள்கிறேன்.



Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026

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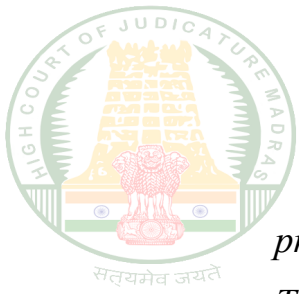
34.The said threatening made to the defacto complainant and the witnesses has further aggravated and intensified. Consequently, the de facto complainant filed an application before this Court seeking police protection for the family members, and this Court passed appropriate order in Crl.O.P. (MD).No.5390 of 2026, which reads as follows:

*The present petition has been filed seeking a direction to the respondents to provide adequate police protection for the family members of the petitioner and the witnesses by considering the petitioner's representation dated 01.03.2026.*

*2.According to the petitioner, he is a witness in S.C.Nos. 62 and 63 of 2020 and S.C.No.25 of 2023. He further submits that he has already been granted police protection. According to him, his wife and son have not been provided with police protection and he apprehends a danger to their life. Therefore, the present petition has been filed.*

*3.According to the learned Government Advocate(Crl.side) appearing for the respondents, the third respondent herein by his proceedings dated 04.03.2026 has already granted police protection to the wife and son of the petitioner herein. The relevant portion of the said proceedings is extracted as follows:*

*“In pursuance of the orders first read above, police*



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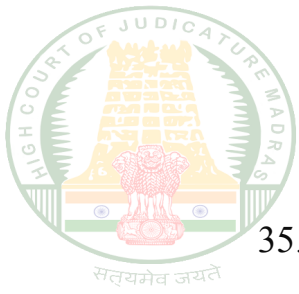
*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

*protection has been extended to the petitioner, Thiru.P.K.Ramkumar, with two armed Personal Security Officers in two shifts on a round-the-clock basis. In addition, a residential guard comprising one Sub-Inspector of Police and two other police personnel in two shifts is being provided at the petitioner's residence.*

*Considering the nature of the cases and the request made by Thiru.P.K.Ramkumar under the Witness Protection Scheme, 2018, as 1st read above, it is hereby ordered that round-the clock police protection shall be provided to the family members of the petitioner (his wife and child) by deploying one armed female police personnel in two shifts, until further orders.*

*The Deputy Superintendent of Police, Armed Reserve, Thoothukudi, is directed to coordinate with the Deputy Superintendents of Police, Thoothukudi Town and Rural Sub Divisions and ensure deployment of adequate Armed Reserve Personnel, with one female police personnel, for effective protection.”*

*4.In view of the above said facts, the prayer sought for by the petitioner has already been acceded to by the third respondent herein. In such circumstances, no further order is called for. Accordingly, this Criminal Original Petition stands disposed of.*



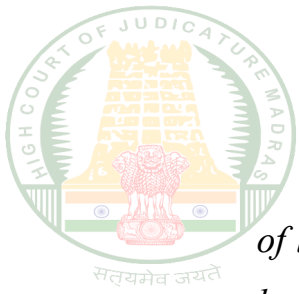
Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026

35. Apart from the above, the witnesses also continue to remain under persistent threat and intimidation.

36. Therefore, this Court finds that there is absolutely no change in circumstances warranting reconsideration of the bail plea. In the absence of any substantial change in circumstances, this Court is not inclined to entertain the present bail application.

37. The Hon'ble three judges bench of Apex Court in the case of ***Neeru Yadav vs State of Uttar Pradesh and another*** in ***2014 16 SCC 508*** observed as follows:

*“The issue that is presented before us is whether this Court can annul the order passed by the High Court and curtail the liberty of the second respondent? We are not oblivious of the fact that liberty is a priceless treasure for a human being. It is founded on the bedrock of the constitutional right and accentuated further on the human rights. In fact, some regard it as the grammar of life. No one would like to lose his liberty or barter it for all the wealth of the world. People from centuries have fought for liberty, for absence of liberty causes sense of” emptiness. The sanctity of liberty is the fulcrum of any civilized society. It is cardinal value on which the civilization rests. It cannot be allowed to be paralysed and immobilized. Deprivation*



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Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026

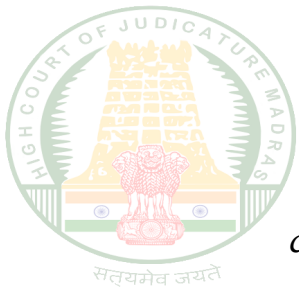
*of liberty of a person has enormous impact of his mind as well as body. A democratic body polity which is wedded to the rule of law, anxiously guards liberty. But, a pregnant and significant one, the liberty of an individual is not absolute. Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the collective and to the societal order. Accent on individual liberty cannot be pyramided to that extent which would bring chaos and anarchy to a society. A society expects responsibility and accountability from its members, and it desires that the citizens should obey the law, respecting it as a cherished social norm. No individual can make an attempt to create a concavity in the stem of social stream. It is impressible. Therefore, when an individual behaves in a disharmonious manner ushering in disordering things which the society disapproves, the legal consequences are bound to follow. At that stage, the court has a duty. It cannot abandon its sacrosanct obligation and pass an order at its own whim or caprice. It has to be guided by the established parameters of law.”*

**38.Ashok Dhankad v. State (NCT of Delhi), 2025 SCC OnLine SC**

**1690**

*24.Furthermore, this Court cannot lose sight of the influence an accused wields in society while considering the grant of bail, as was expounded by this Court inBhagwan Singh v. Dilip Kumar. Undoubtedly, the Accused is a*

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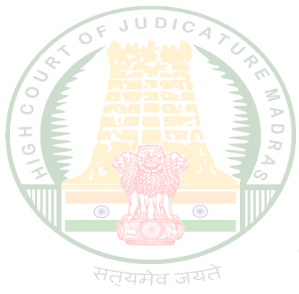
Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026

*celebrated wrestler and an Olympian, who has represented the nation at the international level. It cannot be doubted that he carries societal impact. In such circumstances, it cannot be said that he would have no domineering influence over witnesses or delay the proceedings of trial. Needless to add that allegations of pressurizing the witnesses have been made, before the order granting bail was passed. Certain witnesses had, in writing lodged complaints, apprehending threat to their lives at the behest of the Accused.*

***Brijmani Devi v. Pappu Kumar, (2022) 4 SCC 497***

*35. While we are conscious of the fact that liberty of an individual is an invaluable right, at the same time while considering an application for bail courts cannot lose sight of the serious nature of the accusations against an accused and the facts that have a bearing in the case, particularly, when the accusations may not be false, frivolous or vexatious in nature but are supported by adequate material brought on record so as to enable a court to arrive at a prima facie conclusion. While considering an application for grant of bail a prima facie conclusion must be supported by reasons and must be arrived at after having regard to the vital facts of the case brought on record. Due consideration must be given to facts suggestive of the nature of crime, the criminal antecedents of the accused, if any, and the nature of punishment that would follow a conviction vis-à-vis the offence(s) alleged against an accused.*

*36. ... a balance would have to be struck between the nature of*



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Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026

*the allegations made against the accused; severity of the punishment if the allegations are proved beyond reasonable doubt and would result in a conviction; reasonable apprehension of the witnesses being influenced by the accused; tampering of the evidence; the frivolity in the case of the prosecution; criminal antecedents of the accused; and a prima facie satisfaction of the court in support of the charge against the accused.*

39.The Hon'ble Apex Court in the case of Prasanta Kumar Sarkar Vs Ashis Chatterjee, (2010) 14 SCC 496 has stated as follows,

*“it is well settled that, among other circumstances, the facts 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;*

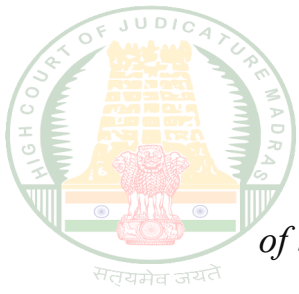
*(iv) danger of the accused absconding or fleeing, if released on bail;*

*(v) character, behavior, means, position and standing of the accused;*

*(vi) likelihood of the offence being repeated;*

*(vii) reasonable apprehension of the witnesses being influenced; and*

*(viii) danger, of course, of justice being thwarted by grant*



of bail.”

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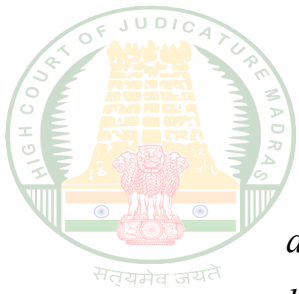
The petitioner does not meet out any one of the factors set out by the Hon'ble Apex Court for considering his Bail Application.

**40.Ashok Dhankad v. State (NCT of Delhi), 2025 SCC OnLine SC 1690**

*24. Furthermore, this Court cannot lose sight of the influence an accused wields in society while considering the grant of bail, as was expounded by this Court in Bhagwan Singh v. Dilip Kumar. Undoubtedly, the Accused is a celebrated wrestler and an Olympian, who has represented the nation at the international level. It cannot be doubted that he carries societal impact. In such circumstances, it cannot be said that he would have no domineering influence over witnesses or delay the proceedings of trial. Needless to add that allegations of pressurizing the witnesses have been made, before the order granting bail was passed. Certain witnesses had, in writing lodged complaints, apprehending threat to their lives at the behest of the Accused.*

**Brijmani Devi v. Pappu Kumar, (2022) 4 SCC 497**

*35. While we are conscious of the fact that liberty of an individual is an invaluable right, at the same time while considering an application for bail courts cannot lose sight of the serious nature of the accusations against an accused and the facts that have a bearing in the case, particularly, when the*



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*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

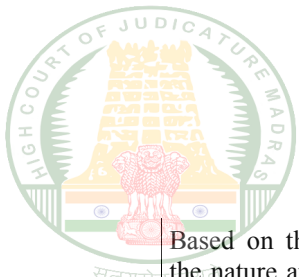
*accusations may not be false, frivolous or vexatious in nature but are supported by adequate material brought on record so as to enable a court to arrive at a prima facie conclusion. While considering an application for grant of bail a prima facie conclusion must be supported by reasons and must be arrived at after having regard to the vital facts of the case brought on record. Due consideration must be given to facts suggestive of the nature of crime, the criminal antecedents of the accused, if any, and the nature of punishment that would follow a conviction vis-à-vis the offence(s) alleged against an accused.*

**36.** *... a balance would have to be struck between the nature of the allegations made against the accused; severity of the punishment if the allegations are proved beyond reasonable doubt and would result in a conviction; reasonable apprehension of the witnesses being influenced by the accused; tampering of the evidence; the frivolity in the case of the prosecution; criminal antecedents of the accused; and a prima facie satisfaction of the court in support of the charge against the accused.*

41. Therefore, it is relevant to extract following material finding of learned trial judge:

*Impugned order in Crl.M.P.No.267 of 2025, which was impugned in the Crl.A.(MD).No.48 of 2026*

*Impugned order in Crl.M.P.No.170 of 2025 Which was impugned in the Crl.A.(MD).No.429 of 2025*



Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026

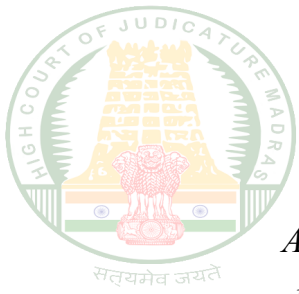
Based on the above detailed discussion, considering the nature and gravity of offences involved which are serious in view of the brutal two murders, materials available against the petitioner/accused No.6, objections raised on the prosecution side & the defacto complainant, the serious possibility of threat existing to the witnesses in both the Sessions Cases, the stage of the Sessions Cases being around framing of charges, delay so far caused in the trial proceedings due to filing of various miscellaneous petitions, directions of the Hon'ble Madurai Bench of Madras High Court to expeditiously dispose the present Sessions Case No. 25/2023 along with the connected Sessions Case No. 62/2020, 63/2020, Pre Trial Meeting conducted as per the directions of the Hon'ble High Court even in which the defence side has not come forward to agree for a time schedule to conclude trial in the Sessions Cases, previous criminal antecedents of 13 cases as against the petitioner/accused No.6, this court is of the view that, the petitioner/accused No.6 has not made out a case for granting the discretionary relief of bail to him in this case and hence it is hereby decided that, the present petition is devoid of merits and deserves to be dismissed. In the result, this petition is dismissed.

Based on the above detailed discussion, considering the nature and gravity of offences involved which are serious in view of the brutal two murders, materials available against the petitioner/accused No.7, objections raised on the prosecution side & the defacto complainant, the serious possibility of threat existing to the witnesses in both the Sessions Cases, the stage of the Sessions Cases being around framing of charges, delay so far caused in the trial proceedings due to filing of various miscellaneous petitions, directions of the Hon'ble Madurai Bench of Madras High Court to expeditiously dispose the present Sessions Case No. 25/2023 along with the connected Sessions Case No. 62/2020, 63/2020, Pre Trial Meeting conducted as per the directions of the Hon'ble High Court even in which the defence side has not come forward to agree for a time schedule to conclude trial in the Sessions Cases, this court is of the view that, the petitioner/accused No.7 has not made out a case for granting the discretionary relief of bail to him in this case and hence it is hereby decided that, the present petition is devoid of merits and deserves to be dismissed. In the result, this petition is hereby dismissed.

#### 41.1. Finding of the learned trial Judge in the impugned order in

**Crl.M.P.No.1196 of 2024** Which was impugned in the Crl.A.(MD).No.429 of 2025

*A reading of the series of events culled out by me from the submissions of the prosecution, defacto complainant and the petitioner will throw light upon the various persons involved in heinous offences that include Section 302 of IPC. Serial killing resulting in imbalance to the cordial atmosphere prevailing in the society, thereby hampering the day-to-day life of the people, is a menace to the ordinary life of the people. At any cost, the person who is involved in the crime even remotely cannot have the benign gesture of the court. Extending the judicial arm to the petitioner seeking bail should not perpetrate the calamitous atmosphere which is already surcharged. The killing of*



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Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026

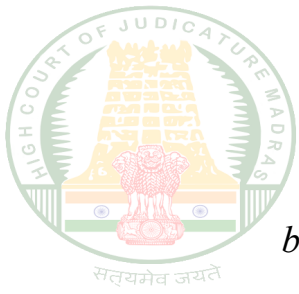
*Aathipalam has resulted in uncontrollable violence, including the death of Kannan @ Mohammed Khalith, P.K Shivakumar and P.K Muthukumar. The incidences that cover the death of all the above referred 3 persons span over a period of 9 years. The death of Aathipalam resulted in the agitation that saw the killing of the above referred Kannan @ Mohammed Khalith, P.K.Shivakumar and P.K Muthukumar. The defacto complainant is the sole surviving brother of the brothers who succumbed to the retaliatory violence that was unleashed upon the society. Enlarging the accused persons on bail has to be within the parameters laid down by the Hon'ble Apex Court in 2004(7) SCC 525(Chaman Lal Vs State of Uttarpradesh). The tests laid down by the Hon'ble Apex Court in the above case are:*

*(i) Nature of the accusation and severity of the punishment in the case of conviction and nature of the supporting evidence.*

*(ii) Reasonable apprehension of tampering with witness or apprehension of threat to the complainant.*

*(iii) Prima satisfaction of Court in support of the charge.*

*The defacto complainant would submit that there is a threat to his life in case the petitioner is enlarged on bail. Such an apprehension cannot be brushed aside lightly. A life, once gone, cannot be re-injected and it is an irreversible process. Such a threat to the life cannot be taken in a lighter vein. The enlargement of the petitioner on bail would see, in all probability, the recurrence of a fresh wave of violence. It cannot*



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

*be permitted. Hence I am not inclined to grant bail to the petitioner/A15. Resultantly, this bail petition is dismissed.*

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42. Therefore, the learned trial judge has considered the seriousness of the offence, threatening of the witnesses and conduct of the accused in not cooperating the completion of the trial within the time framed by this Court in Crl.A.(MD).No.494 of 2023 which has been confirmed by the Hon'ble Supreme Court in S.L.P.(CrI).No.422 of 2025 and also the previous antecedents of the various accused and dismissed the bail application filed second time. From the records, it is clear that the accused did not show any inclination to complete the trial within the time frame issued by this Court and filed petition after petition to protract the trial and also simultaneously threatening to the witnesses including the defacto complainant's family members. Therefore, this Court finds no reasons to interfere with the impugned order of the learned trial Judge in dismissing the bail petitions.

#### **43. Discussion on delay in completion of trial:**

Earlier, Accused No.15 had filed an appeal before this Court in Crl.A.(MD).No.494 of 2023 arising out of the same Crime No.48 of 2023. This Court, after an elaborate consideration of the materials placed on record, took into account the gravity of the allegations, the involvement of hired assailants, the



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

vulnerability of the witnesses, and the stringent provisions under the Scheduled

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Castes and Scheduled Tribes (Prevention of Atrocities) Act. Upon such consideration, this Court, by order dated 11.10.2023, dismissed the bail petition and directed the trial court to conduct the trial within the jail premises in order to ensure the safety of the witnesses. The said order was subsequently challenged before the Hon'ble Supreme Court by way of a Special Leave Petition in S.L.P.(Crl).No.422 of 2025 which came to be dismissed.

43.1. Thereafter, the trial could not be commenced owing to the filing of numerous discharge petitions and other miscellaneous petitions by the accused persons, running to more than 150 in number. In view of the same, the learned trial Judge was unable to proceed with the trial.

43.2. In the earlier order, this Court had directed the trial court to complete the trial within a period of three months. However, the said direction could not be complied with and the trial has not been completed. Hence, the present bail application has been filed by the appellants contending that, despite the direction issued by this Court, the trial has not commenced and there has been no substantial progress in the case. According to the appellants, they have been continuously confined in prison without trial, which amounts to prolonged



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

pre-trial incarceration. It is further submitted that a large number of witnesses have been cited in the final report and that the examination of such witnesses would take considerable time. Therefore, it is contended that their right to speedy trial has been seriously infringed. On the said grounds, the appellants seek enlargement on bail and have also relied upon certain judgments of the Hon'ble Supreme Court in support of their contention.

44.Per contra, the learned Additional Public Prosecutor submitted that the present case is an exceptional one involving a series of murders. It is submitted that the first murder was committed opposite the court premises when one of the brothers of the deceased was returning after attending court proceedings. The said murder was allegedly carried out by hired assailants. Subsequently, the present deceased and another brother, who is the second respondent herein, had been persistently intervening in the bail petitions filed by the accused persons and had been actively pursuing the case. Infuriated by the same, the accused persons are alleged to have conspired and committed the murder of the present deceased in a brutal manner in his pawn shop situated in the bazaar area, again by engaging another group of hired assailants. The learned Additional Public Prosecutor further submitted that the witnesses are still under fear and that, in the event the accused are released on bail, there is a

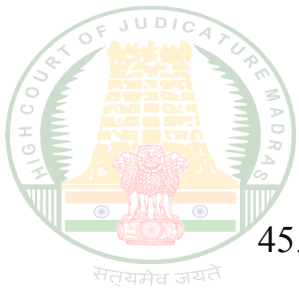


*CrI.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

serious likelihood of witness intimidation and tampering with evidence, which

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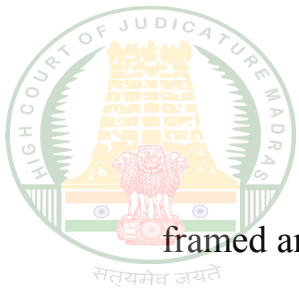
would seriously hamper the conduct of the trial. It was also contended that the delay in the trial is attributable solely to the accused persons, as they have filed numerous petitions before the trial court, thereby preventing the court from proceeding with the trial. It is further submitted that the accused had even refused to receive the statements recorded under Section 161 of the Code of Criminal Procedure and had filed more than 150 miscellaneous petitions, which effectively stalled the progress of the case. Apart from the above, it was also submitted that threats had been issued even to the Special Public Prosecutor appointed under the SC/ST (Prevention of Atrocities) Act, and consequently another Public Prosecutor had to be appointed. In view of the above circumstances, it is contended that the situation remains unsafe for the witnesses and even for the prosecuting agency, and therefore it would neither be advisable nor permissible to grant bail to the appellants. The learned counsel appearing for the de facto complainant also reiterated the submissions made by the learned Additional Public Prosecutor. He specifically submitted that the witnesses continue to face serious threats and, therefore, the bail petition deserves to be dismissed. In support of his submissions, he has also relied upon the number of precedents .



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

45. At this stage, this Court called for a report from the learned Trial Judge. Two Presiding Officers submitted their respective reports. One of the learned Judges, who had earlier dealt with the petitions, expressed difficulty in proceeding with the trial, stating that the counsel appearing for the accused had caused hindrance to the conduct of the proceedings by repeatedly filing petitions and had also made threatening remarks even against the Presiding Officer. The subsequent Presiding Officer also expressed difficulty in conducting the trial and reported that there was lack of cooperation on the part of the accused for the completion of the proceedings. It was further stated that the case had not progressed even to the stage of framing of charges. In the said circumstances, this Court perused the orders passed by the Trial Court dismissing 150 petitions filed as well as the other similar petitions. It is seen that several petitions with similar prayers had been filed one after another, despite earlier dismissals by the learned Trial Judge.

46. In view of the above circumstances, the contention of the learned counsel for the appellants/accused that they have not caused any hindrance to the conduct of the trial cannot be accepted. On the contrary, the materials on record indicate that the accused had deliberately avoided the commencement of the trial. Ultimately, only after the intervention of this Court were the charges



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

framed and the case posted for trial.

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47. The learned Additional Public Prosecutor submitted that the witnesses are still under threat and that earlier two murders had allegedly been committed by engaging hired assailants. This Court had also obtained a report Intelligence Wing indicating the existence of threats to the witnesses. In view of the above circumstances, the request of the petitioners to grant bail on the ground of delay in the conclusion of the trial cannot be accepted. The learned counsel for the petitioners relied upon a judgment of the Hon'ble Supreme Court to contend that prolonged incarceration should be considered while granting bail. However, on perusal of the relevant paragraph of the said judgment, it is clear that mere incarceration, by itself, cannot be a ground to grant bail in every case. The manner of the attack and the earlier incidents of violence alleged in the case are also relevant considerations. This Court therefore finds that, in the present circumstances, the bail cannot be granted at this stage. The learned counsel appearing for one of the appellants submitted that the allegation against him is only that of conspiracy and that he is stated to have assisted another accused by providing financial support. It was further submitted that he is an engineering graduate and that he has no previous criminal antecedents. However, this aspect had already been considered by this Court while



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

dismissing Criminal Appeal No. 494 of 2023. In the present case, the role of the

conspirator assumes significance, as the prosecution alleges that the murder was committed with the object of preventing the defacto complainant from pursuing proceedings in the both murder cases. On one hand, the accused contended that their right to a speedy trial had been continuously infringed due to the non-completion of the trial within the time frame fixed by this Court. On the other hand, the prosecution as well as the de facto complainant submitted that the delay in completion of the trial was solely attributable to the intentional conduct of the accused themselves.

#### **48.Discussion on Threat to Witnesses and Its Impact on Bail Consideration**

This Court is called upon to consider the plea for bail in a case where the issue of witness intimidation assumes central significance. At the outset, it is to be noted that the deceased in the present case was himself the prime witness in an earlier murder case. In the said earlier case, the deceased had actively intervened in the bail proceedings initiated by the accused therein and had specifically apprised the Court of the threats faced by witnesses, necessitating protection measures. Notwithstanding such intervention and the grant of police protection, a conspiracy was allegedly hatched to eliminate him, culminating in



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

his murder in a public bazaar, which incident was witnessed, inter alia, by police personnel.

48.1.The sequence of events prima facie establishes a pattern of systematic intimidation and elimination of witnesses, striking at the very root of the criminal justice process.

48.2.This Court, in earlier proceedings, had undertaken an elaborate consideration of the issue of witness intimidation and, taking note of the antecedents of the accused and the seriousness of the allegations, rejected the bail applications with specific findings regarding the real and subsisting threat to witnesses.

48.3.Subsequent to the said order, it is evident that the trial did not commence promptly, attributable in part to the conduct of the accused, who engaged in dilatory tactics, including repeated interventions through counsel. It is pertinent to note that even statutory compliance, such as receipt of copies under Section 207 of the Code of Criminal Procedure, was initially resisted by the accused, necessitating intervention by this Court to ensure service and progression to the stage of framing of charges.

48.4.Upon commencement of trial, several witnesses have been examined. However, during the course of such examination, instances of intimidation resurfaced, resulting in two material witnesses turning hostile. The



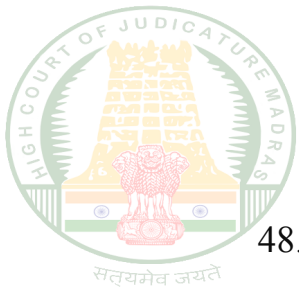
*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

persistence of such threats led to the registration of a separate FIR at Palayamkottai Police Station, and one of the accused has been arrested in connection therewith.

48.5.The material placed before this Court indicates that the threat to witnesses has not only continued but has intensified, particularly after the dismissal of earlier bail applications in the year 2023. The prosecution has, therefore, sought permission to record the evidence of witnesses through video conferencing to mitigate such risks.

48.6.At this juncture, it is also relevant to note that one of the accused in the present case has been found in unauthorized possession of a mobile phone within the prison. The prosecution asserts that prior conspiracies were orchestrated from within the prison using such means of communication. The present conduct, therefore, lends credence to the apprehension that even custodial conditions have not been sufficient to prevent interference with the course of justice.

48.7.In the aforesaid factual matrix, the contention of the accused that prolonged incarceration entitles them to bail under Article 21 of the Constitution cannot be accepted in isolation. The right to personal liberty, though fundamental, is not absolute and must be balanced against the necessity of ensuring a fair trial, which includes the protection of witnesses.



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

48.8. In the case of Kalyan Chandra Sarkar v. Rajesh Ranjan, reported in

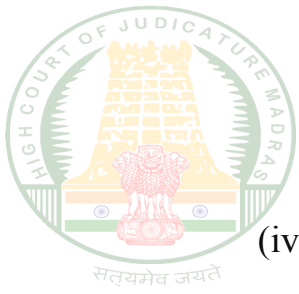
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2005 (2) SCC 42 the Hon'ble Supreme Court, speaking through a Three-Judge Bench, held that while considering successive bail applications, the Court must give due weight to the seriousness of the offence, the likelihood of tampering with witnesses, and the overall impact on the administration of justice. Similarly, in the case of *Manipal -vs- Rajesh Kumar @ Polia* reported in 2020 (2) SCC 118, it has been reiterated that where there exists a reasonable apprehension of witness intimidation or interference with the trial, such considerations would outweigh the claim of liberty.

48.9. Further, in the case of Union of India v. K.A. Najeeb reported in 2021 (3) SCC 713, while recognizing the importance of Article 21 in cases of prolonged incarceration, the Hon'ble Supreme Court has clarified that such relief is not automatic and must yield where the facts disclose a real possibility of obstruction of justice or threat to witnesses.

49. Applying the above principles to the present case, this Court finds:

- (i) A demonstrated pattern of witness intimidation, including the murder of a key witness in a related case;
- (ii) Subsequent acts of threat leading to witnesses turning hostile;
- (iii) Registration of a fresh FIR during trial, indicating continuing interference;



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

(iv) Conduct of the accused, including misuse of custodial conditions and

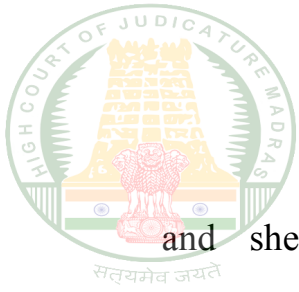
attempts to protract the trial through repeated applications;

50. The trial having already commenced and being at a crucial stage, with the prosecution undertaking to conclude the same within a fixed timeframe. In such circumstances, the balance tilts decisively in favour of preserving the real meaning of the trial and ensuring witness protection.

#### **51. Discussion on plea of medical ground:**

The Hon'ble Supreme Court also cautioned the Court below to grant bail on the ground of medical necessity and only in the extraordinary circumstances the case of the interim bail on the ground of the medical emergency has to be considered and the Hon'ble Supreme Court in the case of *State of U.P. v. Amarmani Tripathi, Dinesh M.N. v. State of Gujarat and State of Karnataka v. Sri Darshan, 2025 SCC OnLine SC 1702* after considering the false request on the ground of medical necessity, declined to grant bail.

**51.1.** In this case also, the accused/Sutherson case of giving treatment to his wife on the account of the accident and his close relative is nothing but stage managed one to obtain bail. The learned Additional Public Prosecutor adduced the materials before this court to show that wife is a software engineer



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

and she also frequently visited jail and seen her husband namely, the said

accused. As held by the Hon'ble Supreme Court in the above decision, grant of bail on the ground of the medical necessity is not legally permissible one. More particularly, in this case, the said accused already involved in the subsequent offence inside the prison and the witnesses are under the persistent threat perception. There was no material produced before this Court to base the claim on the medical ground no materials who produced to show any urgent need of medical aid to consider for the interim bail on the ground of medical treatment of his wife. Apart from that he has involved in serious prison offence during his confinement in prison and FIR was already registered against him in crime number and investigation is going on. More over, the learned trial Judge and prosecution came forward to complete the trial within a period of two months. Hence, this Court is not inclined to grant bail to the accused/Sutherson on the ground of the medical necessity which according to the view of this Court is that there was a misrepresentation of medical ground.

51.2.At this stage, the learned Special Public Prosecutor has placed before this Court a detailed chart indicating the schedule for examination of the remaining witnesses in S.C.No.25 of 2023 on the file of the Special Court for Trial of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act,



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

Thoothukudi, are as follows:

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S.N	Working date	List of Witnesses	Nature of Witness
1	1 <sup>st</sup> Day	L.W.14, L.W.16 to L.W.19	Formal Witnesses
2	2 <sup>nd</sup> Day	L.W.20 to L.W.25	Formal Witnesses, Observation & Seizure Mahazar Witness
3	3 <sup>rd</sup> Day	L.W.26 to L.W.31	Formal Witnesses, Observation & Seizure Mahazar Witnesses
4	4 <sup>th</sup> Day	L.W.32 to L.W.37	Formal witnesses
		L.W.38 to L.W.45	Dispensed witnesses
5	5 <sup>th</sup> Day	L.W.46 to L.W.50	Confession Witnesses
6	6 <sup>th</sup> Day	L.W.51 to L.W.55	Confessions Witnesses
7	7 <sup>th</sup> Day	L.W.55 to L.W.61	Confession Witnesses
8	8 <sup>th</sup> Day	L.W.62 to L.W.67	Formal Witnesses
9	9 <sup>th</sup> Day	L.W.68 to L.W.72	Material Witnesses
10	10 <sup>th</sup> Day	L.W.73 to L.W.78	Materials & Formal Witnesses
11	11 <sup>th</sup> Day	L.W.79 to L.W.83	Expert & Formal Witnesses
12	12 <sup>th</sup> Day	L.W.84 to L.W.88	Other, Expert & Formal Witnesses
13	13 <sup>th</sup> Day	L.W.89 to L.W.91	FIR & Formal Witnesses
14	14 <sup>th</sup> Day	L.W.92	I.O.

51.3. On a perusal of the same, it appears that the prosecution proposes to complete the trial within a period of two months. It is further brought to the notice of this Court that the learned trial Judge has also addressed a communication seeking an extension of time by two months for completion of the trial. Having regard to the stage of the proceedings and the number of witnesses yet to be examined, this Court finds that a time-bound direction is both necessary and appropriate to ensure expeditious conclusion of the trial.

In such circumstances, this Court deems it appropriate to direct all the learned counsel appearing for the accused to extend full cooperation to the trial Court.

In particular, it is expected that the cross-examination of witnesses shall be conducted on the very date of their examination-in-chief, without seeking unnecessary adjournments, so as to adhere to the timeline fixed by this Court.



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

It is made clear that, in the event the accused extend full cooperation and the trial is nevertheless not concluded within the stipulated period for reasons attributable to the prosecution, it shall be open to the petitioners/accused to approach this Court by filing a fresh application for bail, which shall be considered on its own merits at that stage.

51.4. Accordingly, this Court is not inclined to grant bail to the appellants solely on the ground of prolonged incarceration. The conduct of the accused, coupled with the prevailing threat perception, disentitles them from seeking discretionary relief at this stage. In view of the above circumstances, this Court is not inclined to grant bail at present. However, it is open to the petitioner to file a fresh bail petition after the examination of the material witnesses in the above Sessions Case.

52. Accordingly, this Criminal Original Petition seeking bail stands dismissed with the following directions:

52.1. The learned trial Judge is directed to make every endeavour to complete the trial within a period of two months from the date of receipt of a copy of this order.

52.2. The prosecution as well as the defence shall extend their fullest



*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

cooperation for expeditious disposal of the case.

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52.3.It is open to the witnesses, who are under threat perception, to approach the competent authorities seeking appropriate protection, and upon such request, the authorities concerned shall take necessary steps in accordance with law.

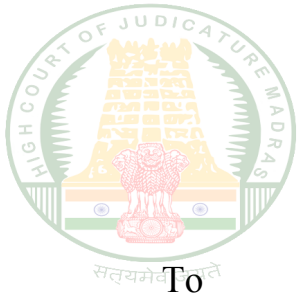
52.4.Liberty is granted to the petitioners/accused to file a fresh bail application in the event of delay in completion of trial for reasons not attributable to them.

52.5.With the above observations and directions, the Criminal appeals are dismissed. Consequently, the connected appeal also stands dismissed.

53.Accordingly, all the Criminal Appeals are dismissed with above observation and directions.

01.06.2026

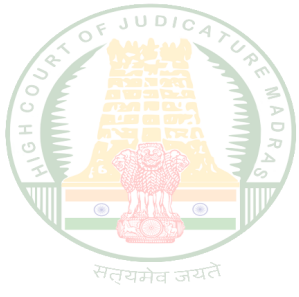
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*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

To  
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1. The Special Court for Trial of Scheduled Caste and Scheduled Tribes  
(Prevention of Atrocities) Act,  
**Thoothukudi**
2. The Deputy Superintendent of Police,  
Thoothukudi Town SIPCOT Police Station,  
Thoothukudi District.
3. The Inspector of Police,  
SIPCOT Police Station,  
Thoothukudi District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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*Crl.A.(MD).No.429 of 2025 and 35 and 48 of 2026*

**K.K.RAMAKRISHNAN.J.**

*sbn*

Crl.A.(MD).Nos.429 of 2025 and 35 and 48 of 2026

01.06.2026

79/79