



Crl.O.P(MD)No.9049 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 19.06.2025

Pronounced on : 09.07.2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.O.P(MD)No.9049 of 2025

and

Crl.M.P.(MD) No.7336 of 2025

1.M.Gopalakrishnan
S/o.Meenatchikone

2.M.Karmegam
S/o.Meenatchikone

3.R.Ajithbalan
S/o.Ramu

...Petitioners/ Accused Nos.1, 2 & 4

Vs.

State of Tamil Nadu rep. by
The Inspector of Police,
Melavalavu Police Station,
Madurai District.
(Crime No.202 of 2022)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to release the petitioners on bail relating to the case in S.C.No.107 of 2025 on the file of the IV Additional District and Sessions Court, Madurai in Crime No.202 of 2022 on the file of the respondent police.



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For Petitioners : Mr.Dr.R.Alagumani
For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)
For Intervenor : Mr.KR.Bharathi Kannan

ORDER

The petitioners seek bail in connection with the case in S.C.No.107 of 2025 on the file of the IV Additional District and Sessions Court, Madurai relating to Crime No.202 of 2022 of respondent police.

2. The brief case of the prosecution:-

The deceased Suresh purchased land measuring 3.5 acres at Sambiranipatti Village, Melur Taluk and cultivated coconut trees. The adjacent lands are also owned to the deceased Suresh's friend Lakshmanan and to the 1st petitioner Gopalakrishnan. There was a civil dispute between the 1st petitioner and said Lakshmanan. The said Lakshmanan filed the civil suit and obtained decree and based on the decree, he put boundary stone after measurement. On 24.02.2020, the deceased Suresh and his father Dharmarajan were putting boundary stones on their land. Lakshmanan was also present there. At that time, the petitioners, along with other accused, came there, assaulted and caused injuries to the deceased Suresh



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and his father Dharamarajan by deadly weapons and scolded Lakshmanan using caste name. So, Lakshmanan gave a complaint before the Melavalavu police station and the same was registered in Crime No.39 of 2020 U/s.147, 148, 447, 341, 294(b), 323, 324, 307 and 379 of IPC and U/s.3(2)(va) of SC & ST (Prevention of Atrocities) Amendment Act, 2015, against the petitioners and other accused. The petitioners and other accused were granted bail and came out. Now, the case is pending as Spl.S.C.No.25 of 2021 before the III Additional District Court (PCR), Madurai. In that case, the deceased Suresh and his father Dharmarajan are ocular witnesses.

2.1. While being so, 08.12.2022 at about 6.30 p.m., the deceased Suresh went to farm in Sambiranipatti by car and parked his car near Sambiranipatti Mandhai. On watching this, the petitioners and other accused made quarrel with him and assaulted him with aruval, wooden log and caused death. The wife of the deceased lodged a complaint before the Melavalavu police station, and another case in Crime No.202 of 2022 was registered against the petitioners and other accused U/s.147, 148, 341, 302 and 506 (2) IPC. In this case, the petitioners also obtained bail from the Principal Sessions Court, Madurai in Crl.M.P.No.2696 of 2023 on 24.04.2023. However, the defacto complainant Jeya Gowsalya, wife of the deceased, moved Crl.O.P(MD) No.16237 of 2023 for cancellation of bail and the same was allowed

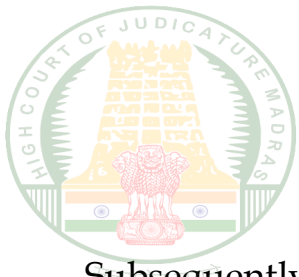


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on 06.09.2024 by this Court, hence, the bail granted to the petitioners was cancelled.

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3. The learned counsel for the petitioners has mainly submitted that the petitioners 1 and 2 are brothers. The 1st petitioner is the President of the Farmers Association and also the President of the Village Forest Committee organised by the District Forest Department. The 1st petitioner filed W.P.(MD)No.8286 of 2012 before this Court to remove encroachments to save water bodies and the said Writ Petition was allowed on 06.08.2014. But, the encroachers namely Kusalavan and Rajendran did not remove their encroachments. So, there were cases registered against him and his family members. In this way, the earlier case in Crime No.39 of 2020 was foisted against the petitioners through Lakshmanan, who is the son-in-law of above Kusalavan. The petitioners were granted bail in Crime No.39 of 2020 by the III Additional District Sessions Court (PCR), Madurai in Crl.M.P.Nos.445 and 447 of 2020. In the meantime, the deceased Suresh was found dead near Mandhai. Taking advantage of the same, the encroachers foisted the present case in Crime No.202 of 2022. So, subsequently, the bail was cancelled by this Court in Crl.O.P(MD) Nos.10559 and 10561 of 2020 on 31.03.2023, considering the registration of this present case in Crime No.202 of 2022. However, the petitioners were granted bail by the Principal Sessions Court, Madurai in Crl.M.P.No.2696 of 2023, dated 24.04.2023.

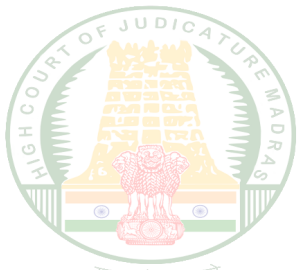


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Subsequently, the same was cancelled by this Court in Crl.O.P.No.16237 of 2023, dated 06.09.2024. The petitioners moved Crl.A.(MD)Nos.359, 346, 360 and 326 of 2025 before this Court, in which the petitioners were granted bail in the case relating to Crime No.39 of 2020 on 09.04.2025 and directed for disposal of both cases by joint trial. The petitioners filed the petitions in Crl.M.P.Nos.784, 785 and 786 of 2025 and Crl.M.P.No.140 of 2025 before the Principal Sessions Court, Madurai and the same were dismissed on 04.03.2025 and 15.05.2025, respectively. The petitioners are in judicial custody for more than 860 days. Since both cases were taken on cognizance on filing charge sheet, there is no question of tampering evidence. The deceased Suresh who was injured in the previous case was alleged to have been murdered by somebody, the petitioners were roped as accused because of previous case. The petitioners have not committed the offence. As there are number of accused in both cases and they have engaged different advocates considering their overtacts, the trial of the cases would take more time. The petitioners are ready to cooperate with the trial and also to abide by any condition imposed by this Court and they are also ready to stay far away. Therefore, the petitioners may be granted bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police strongly objected the bail petition and submitted that the



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occurrences took place upon land dispute. The petitioners were granted bail in previous case in Crime No.39 of 2020 specifically not to tamper with or threaten the witnesses. But, violating the conditions, the petitioners murdered the ocular witness, namely the deceased Suresh, who was injured in previous case. The Investigating Officer properly investigated the case and laid a charge sheet in this case. The petitioners are having number of previous cases. The petitioners' contention that they are not involved in this case will be decided by the trial Court on completion of trial. The petitioners have no valid reason for bail. Hence, the petition may be dismissed.

5. The learned counsel for the intervening petitioner submitted the same arguments placed by the Government Advocate (Criminal Side) and further submitted that at the instance of intervening petitioner by filing Crl.O.P(MD) No.16237 of 2023, this Court elaborately discussed and passed order on 06.09.2024 thereby, cancelled the bail granted in favour of the petitioners by the Principal Sessions Court, Madurai in Crl.M.P.No.2696 of 2023. Since this Court had already cancelled their bail, the petitioners again filed petitions one after another without any valid reason before the Principal Sessions Court, Madurai and before this Court. The petitioners have not challenged the cancellation of bail so far and so, the



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petitioners are not entitled to bail.

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6. Heard and perused the available records. The petitioners' side filed dates and events and the respondent's side also filed list of previous cases registered against the petitioners. This Court has already dealt with the facts and circumstances of the cases in various kinds of petitions filed by the petitioners/accused as well as by the defacto complainants in both cases. So, there is no need to discuss elaborately once again the same facts.

7. No doubt, the petitioners are arrayed as A1, A2 and A4 in this case registered in Crime No.202 of 2022. The occurrence took place on 18.12.2022, after granting bail to the petitioners in earlier case in Crime No.39 of 2020. There is no dispute that the deceased Suresh and his father Dharmarajan were injured/witnesses in that earlier case in Crime No.39 of 2020. On perusal of records, the petitioners were granted bail in the earlier case in Crime No.39 of 2020 with stringent conditions. While cancelling bail in Crime No.39 of 2020, this Court observed in Crl.O.P(MD)Nos.10559 and 10561 of 2020 in its order that the murder of the victim was also said to have taken place upon the same land dispute reason and murdered the deceased Suresh (injured/witness in Crime No.39 of 2020) was



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said to have murdered by the petitioners along with co-accused on 18.12.2022, nearly after two years of coming out of bail which showed the petitioners' character and attitude and strong enmity and hatred maintained by them two years long. However, they are again granted bail in preferring Crl.A.(MD)Nos.359, 346 and 360 and 326 of 2025 before this Court by its order passed on 09.04.2025 in the case related to Crime No.39 of 2020.

8. On perusal of records, though the petitioners were granted bail by the Principal Sessions Court, Madurai in Crl.M.P.No.2696 of 2023 on 24.04.2023 in connection with this case in Crime No.202 of 2022, the same was cancelled by this Court while passing order in Crl.O.P(MD)No.16237 of 2023 on 06.09.2024. After cancellation of bail by this Court by order, dated 06.09.2024 passed in Crl.O.P(MD) No.16237 of 2023, the petitioners have not filed any material to show that they have preferred any appeal against the cancellation of bail. These facts are not disputed by the petitioners. The petitioners have filed the petition after petition seeking for bail before the Principal Sessions Court, Madurai and the same were dismissed. Now, the petitioners have moved before this Court by way of this petition once again seeking for bail.

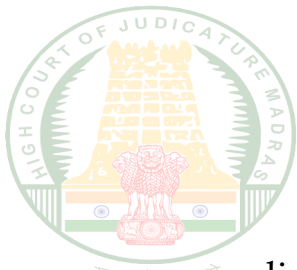


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9. It is pertinent to note here that the Hon'ble Supreme Court issued guidelines for disposal of bail applications reported in 2022 (3) MWN (Cr.)145 (SC). As per guidelines, bail applications for the offences punishable with death, imprisonment for life have to be decided on merits on case to case basis, keeping in view of general principle of law. When the bail is a general rule, it is not automatic in serious offences and bail should not be granted merely on the ground of long incarceration. The Hon'ble Supreme Court has emphasized in several cases that the Court has to consider the seriousness of the crime and the potential risk of granting bail in case of brutal murder.

10. The petitioners are involved in the heinous, brutal murder of deceased Suresh, who was an ocular witness in the earlier case in Crime No.39 of 2020 registered against the petitioners. Mere long period incarceration of petitioners is not ground for granting bail as held in (2004) 7 SCC 528 (Kalyan Chandra Sarkar / v/ Rajesh Ranjan @ Pappu Yadav and Anr. and 2007 ALL SCR 753 (Rajesh Ranjan Yadav @ Pappu Yadav /v/ CBI through its Director. The petitioners are involved in a heinous nature of murder case, who are said to have murdered the injured witness of earlier case. The second occurrence happened after coming out of bail, which shows their attitude, as already stated supra. It is an admitted fact that both



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cases are directed to be tried jointly. Therefore, considering the overall facts and
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circumstances, this Court is not inclined to grant bail to the petitioners. The petition
has no merit and the same deserves dismissal.

11. In the result, this Criminal Original Petition is dismissed. Consequently,
the connected Miscellaneous Petition is closed.

sd/-
09/07/2025

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/07/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSD

To

- 1.The IV Additional District and Sessions Judge,
Madurai.
- 2.The Inspector of Police, Melavalavu Police Station,
Madurai District.
- 3.The Superintendent, Central Prison, Madurai.



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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.DR.R.ALAGUMANI, Advocate (SR-7337[I] dated 09/07/2025)

ORDER
IN
Crl.O.P(MD)No.9049 of 2025
and
Crl.M.P.(MD) No.7336 of 2025
Date :09/07/2025

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Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023