



Crl.A.(MD)Nos.1126 & 1154 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 18.11.2025

PRONOUNCED ON : 28.11.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CRL.A.(MD)Nos.1126 & 1154 of 2025

and

CRL.M.P.(MD)No.15127 of 2025

Lakshmana Kandhan @ Karuppasamy @ Karuppaiah

... Appellant in both the appeals

Vs.

1.State of Tamil Nadu represented by,
The Assistant Commissioner of Police,
Palayamkottai Division,
Tirunelveli District.
(Palayamkottai Police Station),
(Crime No.302 of 2024).

2.Muthukumar ... Respondents in both the appeals

COMMON PRAYER: These Criminal Appeals are filed under
Section 374 (2) of Cr.P.C., praying to call for the records and set



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aside the orders passed in CRL.M.P.No.111 of 2025 & CRL.M.P. No.250 of 2025 in S.C.No.75 of 2024 dated 09.09.2025 & 16.09.2025, respectively, on the file of the learned II Additional District and Sessions Judge, Tirunelveli District and enlarge the appellant on bail.

For Appellant : Mr.R.Maheswaran
For Respondent No.1 : Mr.K.Gnana Sekaran,
Government Advocate [Crl. Side]
For Respondent No.2 : Mr.I.Pinaygash
[In both the Appeals]

COMMON JUDGMENT

The Criminal Appeal in CRL.A.(MD)No.1126 of 2025 is directed against the order made in CRL.M.P.No.111 of 2025 in S.C.No.75 of 2024 dated 09.09.2025, on the file of the II Additional District and Sessions Court, (PCR), Tirunelveli, cancelling the bail granted to the appellant / Accused No.14.

2.The Criminal Appeal in CRL.A.(MD)No.1154 of 2025 is directed against the order made in CRL.M.P.No.250 of 2025 in S.C.No.75 of 2024 dated 16.09.2025, on the file of the II Additional



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District and Sessions Court, (PCR), Tirunelveli, dismissing the petition for discharge filed under Section 227 of the Code of Criminal Procedure.

3.The appellant in both the appeals is the 14th accused in S.C.No.75 of 2024 on the file of the II Additional District and Sessions Court, (PCR), Tirunelveli,

4.On the basis of the complaint lodged by the second respondent / defacto complainant in both the appeals, FIR came to be registered in Crime No.302 of 2024 on 20.05.2024 under Section 302 of IPC against unknown persons stating that his brother was murdered. After initial investigation, the case was altered for the offences under Sections 120(b), 147, 148, 302, 34 & 341 of IPC r/w. Section 3(2)(v) of SC / ST Act. After completing the investigation, the first respondent laid a final report against 18 accused including the appellant for the offences under Section 302, 147, 148, 341, 120(b) & 34 of IPC r/w. Section 3(2)(v) of SC / ST [Prevention of Atrocities] Act and the case was taken on file in S.C.No.75 of 2024 and is pending on the file of the II Additional District and Sessions Court, (PCR), Tirunelveli.



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5.Before filing of the charge sheet, 8 accused including the appellant herein moved an application for bail before the Sessions Court in Cr.M.P.No.3136 of 2024 and 3293 of 2024 and the learned Sessions Judge after enquiry passed an order granting bail to the petitioners therein and directed the petitioners 5 to 8 to stay at Thiruvannamalai and to appear and sign before the SHO, Cheyyar Police Station, daily at 09.00 a.m. and 5.00 p.m. until further orders and they were also directed to file an affidavit mentioning the address where they were going to stay at Thiruvannamalai district.

6.When the above Sessions case in S.C.No.75 of 2024 was pending, as NBW was pending against some of the accused, the first respondent Assistant Commissioner of Police Palayamkottai division filed a petition under Section 437(5) of Cr.P.C. seeking cancellation of bail granted to the appellant / Accused No.14 in Cr.M.P.No.111 of 2025, alleging that the appellant was released on bail as per the order passed in Crl.M.P.No.3136 of 2024 dated 11.09.2024 and accordingly, he was released from jail on 04.11.2024, that the appellant has not signed before the Cheyyar Police Station as directed in the bail order and that the appellant was involved in the following five cases:



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(i) Cr.No.332 of 2023, in Munneerpallam Police Station for the offences under Sections 147, 148, 294(4), 302, 341, 506(2) IPC @ 114, 120(b), 147, 148, 294(b), 302, 34, 341, 506(ii) of IPC;

(ii) Cr.No.258 of 2024, in Munneerpallam Police Station for the offences under Sections 294(b), 307, 353 & 506(ii) of IPC;

(iii) Cr.No.153 of 2019 in Pathamadai Police Station for the offences under Sections 147, 148, 294(b), 307, 343, 506(ii) of IPC r/w.3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act;

(iv) Cr.No.119 of 2024, in Moontradaippu Police Station for the offences under Section 379 of IPC;

(v) Cr.No.299 of 2019, in Pettai Police Station for the offences under Sections 147, 148, 294(b), 302, 506(ii) of IPC, r/w. 3(2)(va) of SC/ST (POA) Act @ 4(b) of IES Act, 109, 114, 147, 148, 149, 294(b), 302, 506(ii) of IPC r/w. 3(1)(s), 3(2)(va) of SC/ST (POA) Act.

7.The Assistant Commissioner of Police further averred in the cancellation of bail petition that the appellant failed to appear before the concerned Court for hearings also and that since the appellant has not obeyed the bail condition and he may continue to indulge in criminal activities, the bail granted to him is liable to be cancelled.



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8.The appellant / 14th accused filed a counter statement raising objections stating that he has been falsely implicated in the above case with the help of the complainant and other witnesses and with fake records; that the appellant was initially arrested for the case in Crime No.258 of 2024 on the file of the Munneerpallam Police Station for a false case of attempting to assault the police officials on 25.05.2024 and thereafter, he was formally arrested on 01.06.2024 for the present case, that the appellant was also detained under the Goondas Act and the same was revoked by this Court and consequently, he was released from prison on 03.01.2025, that the appellant after release sent a letter to the Commissioner of Police apprehending life threat and also filed an application seeking transfer of the Sessions case before the High Court in CRL.O.P. (MD)No.9615 of 2025 on 02.04.2025, that the appellant never disobeyed the conditions imposed and in the bail order given to the appellant, no specific condition was imposed to sign before any authority, that the appellant and his family members were on fear to come out and obey the condition, that there was no willful intention to breach the conditions of this Court, that the police has been threatening the appellant's family that if the appellant is apprehended then they will break the legs and hands of the



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appellant and that since the respondent police has not come out before the Court with clean hand, their application was liable to be dismissed.

9.The learned Sessions Judge, after enquiry in the petition for cancellation of bail, passed the impugned order dated 09.09.2025 in Crl.M.P.No.111 of 2025, allowing the petition and thereby, cancelled the bail granted to the appellant / 14th accused in Crl.M.P.No.3136 of 2024. Aggrieved by the impugned order of cancelling the bail, the above appeal in Crl.A.(MD)No.1126 of 2025 came to be filed.

10.The learned Counsel for the appellant / 14th accused would submit that since the appellant is facing life threat he sent a representation to the Commissioner of Police, Tirunelveli, on 02.04.2025 and subsequently, filed a petition seeking transfer of the Sessions case to any neighbouring district before the High Court in CRL.O.P.(MD)No.9615 of 2025, but the learned trial Judge failed to consider the above and mechanically cancelled the bail order. Learned Counsel would further submit that in the bail order passed in CRL.M.P.No.3136 of 2024, there was no mention about the district and the police station for the appellant to report and hence, the



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appellant was not able to comply with the condition imposed, that there were no allegations against the appellant that he tampered the investigation or tampered the witnesses, that there are no supervening circumstances to show that the appellant was involved in any other offence or that the appellant deliberately did not comply with the conditions and that therefore, the order cancelling the bail cannot be sustained.

11.The second respondent / de-facto complainant filed a counter affidavit raising objections. The learned Counsel for the second respondent would submit that all the accused including the appellant hatched a criminal conspiracy to kill his brother and in pursuance of the same, his brother was brutally murdered in broad daylight, that the appellant after getting bail order did not obey the conditions imposed, that the appellant did not appear before the trial Court for the hearings, that the appellant is having 6 other criminal cases including 4 murder cases, that the de-facto complainant and his family members are apprehending danger to their lives and sent a detailed representation to the respondent police seeking adequate police protection, that the de-facto complainant approached this Court in CRL.O.P.(MD)No.18690 of 2024 seeking expeditious disposal of the case and this Court vide



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order dated 05.03.2025 directed the learned trial Judge to complete the trial proceedings within a stipulated time, that the above criminal appeal has been filed with the ulterior motive to drag the trial, that since the appellant failed to appear for several hearings, NBW was issued against him and is pending, that the appellant has also filed a petition seeking discharge and since NBW was pending, learned trial Judge rightly dismissed the said petition and that therefore, the appeal is liable to be dismissed.

12.The first respondent has also filed a counter affidavit raising objections. Learned Government Advocate [Crl. Side] would submit that in the bail order dated 11.09.2024, there was a typographical error of mentioning the petitioners 5 & 6 instead of petitioners 5 to 8 and instead of mentioning Thiruvannamalai District, it was shown as Kanchipuram district and that the above mistakes were corrected subsequently and the same was informed to the Inspector of Police, Cheyyar Police Station, who in turn sent a reply stating that the Accused No.7 and 14 including the appellant herein did not appear before the said police station, that the appellant had previously involved in 5 criminal cases in which two cases were murder cases in Munneerpallam Police Station in Cr.No. 332 of 2023 and Pettai Police Station in Cr.No.299 of 2019, that the



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accused including the appellant by violating the conditions imposed posed a serious threat to law and order by creating communal unrest between two communities and attempted to tamper with the evidence and absconded and that therefore, the learned trial Judge considering all the aspects has rightly cancelled the bail and the same does not warrant any interference.

13.The appellant / accused in the counter statement filed to the cancellation of bail petition referred the decision of the Hon'ble Supreme Court in ***Dolat Ram and others Vs. State of Hariyana*** reported in ***(1995) (1) SCC 349***, and the judgments of the Kerala High Court in ***Godson Vs. State of Kerala*** in ***Crl.M.C.No.2807 of 2022 dated 10.09.2022***, Calcutta High Court in ***State of West Bengal Vs. Sunny Chatterjee alias Sunny Chatterjee and others*** reported in ***2023 Crl.L.J. 1689*** and the Gujarat High Court in ***Binaben W/o. Ashokbhai Panchal Vs. State of Gujarat and others*** in ***CRL.M.A.No.9792 of 2016 dated 01.07.2023*** and stated that bail once granted should not be cancelled mechanically.

14.There is no dispute about the legal position referred therein. It is settled law that once bail is granted, the same cannot



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be cancelled for mere seeking. A Full Bench of the Hon'ble Supreme Court in the case of **Krishna Sharma @ Krishna Kumar Sharma Vs. State of West Bengal in Crl.A.No.383 of 2024 dated 24.01.2024**, has specifically held that the bail already granted may be cancelled, if it is found that the person who has been granted the benefit of bail has violated any of the conditions, misused the liberty by influencing the witnesses or tampering with the evidence. In the case on hand, the main contention is that the condition imposed against the appellant was not clear in the bail order but as rightly pointed out by the learned Government Advocate [Crl. Side] that was only a typographical error and the same was subsequently rectified and the condition was conveyed to the SHO, Cheyyar Police Station, who in turn sent a reply stating that the appellant did not appear before them.

15.It is not the case of the appellant that he approached the bail court seeking clarification of the condition imposed. Though the appellant has alleged that he was arrested in some other case and was detained as goonda, he has not given specific particulars. As rightly observed by the learned trial Judge, he has not furnished the necessary particulars. No doubt, the appellant's detention order was revoked by this Court vide order dated 17.12.2024, but as



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rightly contended by the learned Government Advocate [Crl. Side], it was revoked on a technical ground that there was a delay in considering the appellant's representation. Even according to the appellant, after revocation of the detention order, he was released from prison on 03.01.2025. It is not the case of the appellant that he complied with the conditions thereafter.

16.The learned Counsel for the appellant would contend that since there is serious threat to his life, he was not in a position to comply with the conditions. According to him, he moved a transfer petition before this Court in CRL.O.P.(MD)No.9615 of 2025. No doubt, a learned Judge of this Court, considering the submissions made by the learned Additional Public Prosecutor that the appellant along with other accused has caused brutal murder inside the District Court campus and the transfer petition has been filed in order to take away the trial from the file of the District Court, Tirunelveli and demoralize the witnesses, has dismissed the said petition observing that in the event that the appellant is facing life threat, he can file necessary application before the trial Court and get police protection.



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17.It is not the case of the appellant that he filed any application before the trial Court seeking police protection. It is the specific case of the prosecution that though he was produced before the trial Court for some hearings while he was in judicial custody and after coming out from jail, he did not appear for the past several hearings and hence, NBW was ordered to be issued. As rightly contended by the learned Government Advocate [Crl. Side], if the appellant genuinely felt his life was under threat, he ought to have approached the bail court or the High Court seeking modification or relaxation of the conditions. Admittedly, he chose not to take such steps.

18.Considering the above facts and circumstances and taking note of the fact that the appellant has not chosen to comply with the condition imposed by the bail court even for a single day and failed to appear before the trial Court subsequently, the impugned order cancelling the bail cannot be found fault with. Consequently, this Court concludes that the appeal in Crl.A.(MD)No. 1126 of 2025 is devoid of merits and the same is liable to be dismissed.



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19.Now turning to the other appeal in Crl.A.(MD)No.1154 of 2025, challenging the order dismissing the discharge petition, no doubt the learned trial Judge passed a cryptic order that since NBW is pending against the appellant, his application is liable to be dismissed. It is pertinent to note that “an outlaw cannot ask for the benefit of law and he who flees justice cannot claim justice”. The appellant who disobeyed the conditions of the bail court and who failed to appear before the trial Court and remained absconding cannot seek the trial Court to consider his plea for discharge, since NBW is pending against him. Hence, the order of the learned trial Judge in dismissing the discharge petition cannot be found fault with. But at the same time, if the appellant surrenders before the concerned court and submits to the jurisdiction of the trial Court, then the trial Court can be directed to restore the discharge petition and consider and decide the same on merits. In case, if the appellant fails to surrender or is arrested subsequently by executing the warrant, he will forfeit the opportunity to have his discharge application reconsidered.

20.In the result, the CRLA.(MD)No.1126 of 2025, is dismissed and the appellant / 14th accused is directed to surrender



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before the trial Court within a period of TEN [10] days from the date of receipt of a copy of this order, failing which the first respondent is directed to take necessary steps for execution of NBW.

21.If the appellant surrenders within the time stipulated, the learned trial Judge is directed to restore the discharge petition in CRL.M.P.250 of 2025 and to consider the same on merits and to pass orders in accordance with law. If the appellant fails to surrender within the time stipulated or is arrested thereafter, by executing the warrant, the order dismissing the discharge petition shall stand confirmed.

22.With the above directions, CRL.A.(MD)No.1154 of 2025, is disposed of. Consequently, the connected miscellaneous petition is closed.

28.11.2025

NCC :yes/No

Index :yes/No

Internet:yes/No

MR



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To

- 1.The II Additional District and Sessions Judge, (PCR),
Tirunelveli District.
- 2.The Assistant Commissioner of Police,
Palayamkottai Police Station,
Palayamkottai Division,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

MR

**Pre-Delivery Common Judgment made in
CRL.A.(MD)Nos.1126 & 1154 of 2025**

Dated : 28.11.2025