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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 27590 of 2026

CNR: {HCMA012258972026}

Case QR

Thangavel
S/o P.Palanisamy,
58/59, South Street,
GanapathyPalyam, Kolinchivadi,
Dharapuram Taluk,
Tirupur District,
TamilNadu.

..Petitioner(s)

Vs

1. Hema
   W/o Ramesh,
   (Presently in judicial custody in Crime No. 319/2026, Dharapuram PS)
2. State Represented by Inspector of Police
   Dharapuram, Tiruppur District.
   in Cr.No.371/2025

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483(3) of Bharatiya Nagarik Suraksha Sanhita, 2023, praying cancel the bail order granted to the Respondent No.1 in Crl.M.P.No.2646/2025 dated 04.11.2025 by the Honble Principal District Court, Tiruppur, and thus render Justice.

For Petitioner(s): Sudha Ramalingam
For Respondent(s): Mr. R. Rajasekaran, Government Advocate for R2
1st respondent: No appearance

ORDER

This is a petition for the cancellation of the bail granted to the first

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respondent by the learned Principal Sessions Judge (FAC), Tiruppur, by order dated 04.11.2025 in Crl.M.P. No. 2646 of 2025, under Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS"). The first respondent is the sixteenth accused in S.C. No. 397 of 2025, which arises out of Crime No. 371 of 2025 on the file of the Dharapuram Police Station, Tiruppur District. The offences include murder under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS"), punishable with death or imprisonment for life.

2. The case of the prosecution, briefly stated, is this. On 28.07.2025, Advocate Muruganantham was murdered near Thenmalar School, Dharapuram, where he had gone to survey a property in terms of an order of this Court. The prosecution says that the first accused, his paternal uncle, and the second accused, the son of the first accused, engaged hired assailants to kill him. The petitioner was with the deceased, saw the occurrence and gave the complaint. The first respondent is the mother-in-law of the second accused, and the case against her, as the grant order records it, is that she was a party to the conspiracy and helped the second accused to leave the country before the occurrence.

3. After her arrest on 26.09.2025, the first respondent spent thirty-nine days in custody before the Court of Session released her on bail, because the final report had been filed and because her daughter had recently delivered a child and needed her help. The grant order imposed this condition among others: *"The Petitioners shall not try to contact, influence, threaten or pressurize the victim or complainant or other material witnesses and shall not tamper with the evidence"*. It directed the learned Judicial Magistrate, Dharapuram, to act on any breach in terms of **P.K. Shaji @ Thammanam Shaji v. State of Kerala, (2005) 13 SCC 283**. The trial has since been transferred twice by this Court, and now stands before the Special Court for

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Bomb Blast Cases, Coimbatore.

4. Eight months after her release, on 07.07.2026, the petitioner was attacked with a sickle near his mill at Dharapuram. He suffered cut injuries to the head, neck and hands and was in hospital from 07.07.2026 to 18.08.2026. Crime No. 319 of 2026 was registered the same day under Section 109(1) of the BNS. On 14.07.2026, the District Standing Committee under the Witness Protection Scheme gave the petitioner and his family round-the-clock armed protection. The prosecution case in that crime is set out in the order of the learned Principal Sessions Judge, Tiruppur, in **Rashid v. State** and **Nanthakumar and another v. State**, Cr.M.P. Nos. 1771 and 1796 of 2026, dated 10.09.2026, refusing bail to the fourth, seventh and eighth accused. It is that the first and second accused, while in prison, resolved to kill the petitioner so as to escape punishment in the murder case, that they sent Rs.2,99,000/- to the third accused through the fourth, eighth and ninth accused, and that the third accused engaged the assailants. The first respondent is the ninth accused in that crime, and the petition describes her as being in judicial custody in it.

5. Learned counsel for the petitioner made these submissions:

[a] the first respondent is an accused in a crime whose object was to kill the eyewitness in the very case in which she is on bail, and that is a direct breach of the condition extracted above;

[b] she acted with the fourth and eighth accused in that crime;

[c] she paid about Rs.25,00,000/- through a travel agency for a foreign trip of the second and seventeenth accused and of the eighth accused in Crime No. 319 of 2026, to create the impression that they had no part in the murder;

[d] the trial has been transferred twice because of the threat to witnesses, the petitioner is under armed protection, and every bail petition of the co-accused in both crimes has been dismissed;

[e] reliance was placed on **Prakash Kadam v. Ramprasad Vishwanath**

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Gupta, (2011) 6 SCC 189, **Dolat Ram v. State of Haryana, (1995) 1 SCC 349**, and **Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496**.

6. The learned Government Advocate (Criminal Side) has submitted the due to above facts and circumstances, the bail is liable to be cancelled.

Court notice was served on the first respondent on 08.10.2026. On the next hearing, i.e., on 03.11.2026, One Mr. R. Divakaran, learned counsel undertook to file vakalat for and on behalf of the first respondent. Today, when the matter is called, neither the first respondent appeared not was there any representation for the first respondent.

7. I have considered the submissions and perused the material placed before me.

8. The petition seeks cancellation for conduct after the grant. It does not attack the correctness of the order dated 04.11.2025, and I do not examine it. Very cogent and overwhelming circumstances are necessary for an order cancelling bail already granted, and the grounds include interference or attempt to interfere with the due course of administration of justice and abuse of the concession granted to the accused, as held in **Dolat Ram** (cited supra). Among the circumstances in which bail may be cancelled, a Bench of three Judges has listed the case of an accused who misuses his liberty by indulging in similar or other criminal activity, or who threatens witnesses, as held in **P v. State of Madhya Pradesh, (2022) 15 SCC 211**. The registration of a fresh case is not by itself proof of guilt, and the conduct after release must be shown by material. This Court applied that test in **Janny @ Janny Paulrajan v. State**, Crl.O.P. No. 26398 of 2026, dated 24.09.2026.

9. Two of the grounds urged can be set aside at once. The foreign trip was before the Court of Session when it granted bail. The learned Public Prosecutor opposed bail on the footing that the first respondent had sent the second accused

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abroad and supported him there, and the grant order records that objection. It is not a circumstance that has arisen since. The gravity of the murder, the transfers of the trial and the refusal of bail to the other accused are the background against which the first respondent's conduct must be seen. They are not grounds in themselves. What remains is Crime No. 319 of 2026.

10. The attack on the petitioner is not in dispute. The first information report and the hospital records establish it. The prosecution case is that the money for the assailants passed through the first respondent, among others, and she stands arrayed as the ninth accused. Whether she is guilty of that offence is for the court that tries Crime No. 319 of 2026, and I record no finding on it. The question for me is whether her continued liberty is consistent with a fair trial of S.C. No. 397 of 2025. On that question the nature of the second crime counts for a great deal. It has nothing in common with an offence that an accused on bail happens to commit elsewhere. On the prosecution's own showing it was planned by the principal accused in the murder case to remove the eyewitness who set the law in motion, and it was carried out while the first respondent was on bail on the express condition that she would not threaten or pressurise the complainant.

Prima facie participation in an attempt on the life of the complainant is interference with the due course of justice of the gravest kind. The papers do not show that the petitioner's evidence has yet been recorded. I am satisfied that the first respondent has misused the liberty granted to her, and that her continued liberty is not conducive to a fair trial of S.C. No. 397 of 2025.

11. Of the authorities cited for the petitioner, **Prakash Kadam** (cited supra) holds that where there are very serious allegations, bail may be cancelled even if the accused has not misused it, and adds that this principle applies when the same court which granted bail is approached for cancellation. This Court did

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not grant the bail, and I do not rest on that principle, since this order turns on conduct after release. **Prasanta Kumar Sarkar** (cited supra) sets out the considerations for granting bail. It bears on a challenge to the correctness of a grant, which this petition does not make.

12. **In the result, this Criminal Original Petition is allowed and the bail granted to the first respondent by the order dated 04.11.2025 in Crl.M.P. No. 2646 of 2025 is cancelled.**

13. The bonds executed by the first respondent and her sureties before the learned Judicial Magistrate, Dharapuram, stand cancelled. If the first respondent is in judicial custody in Crime No. 319 of 2026, the learned Judge, Special Court for Bomb Blast Cases, Coimbatore, shall secure her production under Section 302 of the BNSS and remand her to judicial custody in S.C. No. 397 of 2025. If she is not in custody, she shall surrender before that court within one week from the date of receipt of a copy of this order, failing which the second respondent shall take her into custody in accordance with law. This order does not affect the bail granted to the seventeenth accused by the same order. It will be open to the first respondent to apply afresh for bail on a genuine change of circumstances, and any such application shall be decided on its own merits.

14. The Registry shall communicate a copy of this order forthwith to the learned Judge, Special Court for Bomb Blast Cases, Coimbatore, the learned Judicial Magistrate, Dharapuram, the Inspector of Police, Dharapuram Police Station, and the Superintendent of the prison in which the first respondent is lodged.

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To

1. The learned Judge, Special Court for Bomb Blast Cases, Coimbatore.

2. The Judicial Magistrate, Dharapuram.

3. The Inspector of Police
Dharapuram, Tiruppur District.
in Cr.No.371/2025

4.The Superintendent, Women Prison, Coimbatore.

5. The Public Prosecutor

High Court of Madras.

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N.RAMESH, J.

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