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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

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THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 32309 of 2026

CNR:{HCMA012540052026}

Murugesan
S/o Jayavel,
No.35, Paraimedu, Walaja Road,
Sholingur, Ranipet District

Case QR

..Petitioner(s)

Vs

The State Rep By The Inspector of Police
Banavaram Police Station,
Ranipet District.
Crime No.179 of 2025

..Respondent(s)

PRAYER:- To grant bail to the petitioner in connection with the case in SC.No.04 of 2026 on the file of the II Additional Distrit judge Arakkonam, Ranipet District and thus render justice.

For Petitioner(s): Mr.P.Raman

For Respondent(s): Mr.M.M.I.Khaleel,
Government Advocate (Crl.Side)

ORDER

1. This is a petition for regular bail under Section 483 of the BNSS. The petitioner is the third accused in Crime No. 179 of 2025 on the file of the Inspector of Police, Banavaram Police Station, Ranipet

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District, registered for offences under Sections 126(2), 296(b), 61(2), 103(1) and 49 of the Bharatiya Nyaya Sanhita, 2023, and now pending as **S.C. No. 4 of 2026** on the file of the learned II Additional District and Sessions Judge, Arakkonam. The offence under Section 103(1) is punishable with death or imprisonment for life. This is his sixth petition before this Court.

2. The case of the prosecution, briefly stated, is that the first accused, who blamed the deceased for the breakdown of his marriage, engaged hired assailants through the fifth accused for Rs.19 lakhs, and that on 21.06.2025 the second accused, the petitioner and the fourth accused intercepted the deceased as he rode home on his two-wheeler and attacked him with knives, causing his death. The petitioner was arrested on 24.06.2025 and has been in custody since, for more than one year and four months. The case is at trial and, according to the petition, thirteen witnesses have been examined.

3. The first four petitions, Crl.O.P. Nos. 4718, 10796, 14964 and 19107 of 2026, were dismissed by coordinate Benches on 26.02.2026, 06.05.2026, 15.06.2026 and 24.07.2026, on the gravity of the offence, the specific overt act of attacking the deceased attributed to the petitioner and his previous case, and the last of them also on the trial being at an advanced stage and the likelihood that he would influence the witnesses who remained. I dismissed the fifth, Crl.O.P. No. 25538 of 2026, on 17.09.2026, holding that there was no change in circumstances since 24.07.2026.

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4. Learned counsel for the petitioner submitted that the petitioner is innocent and has been in custody for 478 days; that the completion of the investigation and the examination of thirteen witnesses are a substantial change in circumstances; and that the first and fourth accused have been granted bail in Crl.O.P. No. 8164 of 2026 dated 01.04.2026 and Crl.O.P. No. 6954 of 2026 dated 17.03.2026. The respondent has filed a counter affidavit and the petition is opposed on its lines: the petitioner is one of the hired assailants, he has a previous case, and, if released, he may abscond or threaten the witnesses.

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

6. The rejection of bail does not operate as res judicata, but liberty to move again is not liberty to re-argue. A later petition lies only where 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"*, as held in **Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav, (2005) 2 SCC 42**. The question on this sixth petition is what has changed since 17.09.2026, and whether the change tells in the petitioner's favour.

7. I take first the stage of the case. The final report was taken on file in September 2025, before the first of the earlier petitions was heard, and the examination of witnesses was itself a reason for refusal on 24.07.2026, when twelve had been examined. One more witness since then does not alter that footing. I turn to parity. The release of

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co-accused was urged in the first, second and fourth petitions, and the release of the first and fourth accused was before me on 17.09.2026. It is not a new circumstance, and it does not assist on its own terms. The first accused is said to have engaged the assailants, not to have been one of them. The fourth accused was released on the footing, recorded in the order granting him bail, that he had no previous case. The petitioner is said to have been one of those who attacked the deceased, and he has a previous case. The second accused, to whom the same role is attributed, remains in custody.

8. That previous case is Crime No. 132 of 2022 of the same police station, under Sections 147, 148, 294(b), 342, 324, 307 and 506(ii) read with Section 34 of the Indian Penal Code, pending trial, as paragraph 20 of the counter affidavit states. The counter affidavit describes the petitioner as a “Mercenary Squad Leader”. What remains is time: some seven weeks of further custody since the last order. For an offence punishable with death or imprisonment for life, with witnesses yet to be examined, that does not turn the scale. No change that tells in the petitioner’s favour has been shown.

9. What does call for a direction is the pace of the trial. The answer to a trial that moves slowly is to move the trial, not to release an accused on grounds already considered and rejected. The appropriate course at this stage is a direction, not enlargement.

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10. **In the result, this Criminal Original Petition is dismissed.**

11. The learned II Additional District and Sessions Judge, Arakkonam shall examine the remaining witnesses in S.C. No. 4 of 2026 on dates not more than fourteen days apart, without adjourning the case except for reasons to be recorded, and shall make every endeavour to conclude the trial within six months from the date of receipt of a copy of this order.

10-11-2026

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To
1.The II Additional Distrit judge
Arakkonam, Ranipet District

2. The Inspector of Police
Banavaram Police Station,
Ranipet District.

3.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

nvi

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10-11-2026

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