



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On	:	09.03.2026
Pronounced On	:	12.03.2026

CORAM

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23239 and 23237 of 2025

CrI.O.P.(MD).No.738 of 2026

Jeyaraj @ Suraal

... Petitioner/A1

Vs

The State Rep.By,
The Inspector of Police,
Koodal Pudur Police Station,
Madurai District.
(Cr.No.802 of 2025)

... Respondent

PRAYER:- This petition has been filed under Section 483 of BNSS to enlarge the petitioner/accused on bail in Crime No.802 of 2025 on the file of the respondent police by allowing this application.

For Petitioner : Mr.S.Muniyandi

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For *Defacto*
complainant : Mr.N.S.Karthikeyan



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

CrI.O.P.(MD).No.739 of 2026

Murali

... Petitioner/A5

Vs

The State Rep.By,
The Inspector of Police,
Koodal Pudur Police Station,
Madurai District.
(Cr.No.802 of 2025)

... Respondent

PRAYER:- This petition has been filed under Section 483 of BNSS to enlarge the petitioner/accused on bail in Crime No.802 of 2025 dated 12.09.2025 on the file of the respondent police by allowing this application.

For Petitioner : Mr.D.Balamurugapandi

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For *Defacto*
complainant : Mr.N.S.Karthikeyan

CrI.O.P.(MD).No.805 of 2026

Vengateshwaran

... Petitioner/A8

Vs

The State Rep.By,
The Inspector of Police,
Koodal Pudur Police Station,
Madurai District.
(Cr.No.802 of 2025)

... Respondent



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

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PRAYER:- This petition has been filed under Section 483 of BNSS to enlarge the petitioner/accused on bail in Crime No.802 of 2025 dated 12.09.2025 on the file of the respondent police by allowing this application.

For Petitioner : Mr.S.Manoj

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For *Defacto*
complainant : Mr.N.S.Karthikeyan

CrI.O.P.(MD).No.4177 of 2026

Ravimaran

... Petitioner/A5

Vs

The State Rep.By,
The Inspector of Police,
Koodal Pudur Police Station,
Madurai District.
(Cr.No.802 of 2025)

... Respondent

PRAYER:- This petition has been filed under Section 483 of BNSS to enlarge the petitioner/accused on bail in Crime No.802 of 2025 dated 12.09.2025 on the file of the respondent police by allowing this application.

For Petitioner : Mr.R.Shanmuga Sundaram
Senior Counsel for
:Mr.V.Malaiyendran

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

For *Defacto*
complainant : Mr.N.S.Karthikeyan

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Crl.O.P.(MD).No.23237 of 2025

Kallanai

... Petitioner/A5

Vs

The State Rep.By,
The Inspector of Police,
Koodal Pudur Police Station,
Madurai District.
(Cr.No.802 of 2025)

... Respondent

PRAYER:- This petition has been filed under Section 483 of BNSS to enlarge the petitioner/accused on bail in Crime No.802 of 2025 dated 12.09.2025 on the file of the respondent police by allowing this application.

For Petitioner : Mr.V.Kathirvelu
Senior Counsel for
:Mr.V.Neelakandan

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For *Defacto*
complainant : Mr.N.S.Karthikeyan



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

CrL.O.P.(MD).No.23239 of 2025

K.Saad @ Pon Saravanan

... Petitioner/A6

Vs

The State Rep.By,
The Inspector of Police,
Koodal Pudur Police Station,
Madurai District.
(Cr.No.802 of 2025)

... Respondent

PRAYER:- This petition has been filed under Section 483 of BNSS to enlarge the petitioner/accused on bail in Crime No.802 of 2025 dated 12.09.2025 on the file of the respondent police by allowing this application.

For Petitioner : Mr.V.Kathirvelu
Senior Counsel for
:Mr.Ramesh Kumar

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For *Defacto*
complainant : Mr.N.S.Karthikeyan

COMMON ORDER

The petitioners in all the Criminal Original Petitions are accused in **Crime No.802 of 2025**, on the file of the respondent police for the alleged offences under **Sections** 103 and 126(2) of BNS @ 103(1), 126(2), 49, 61(2)(a) of BNS the corresponding offences under Section 302, 341, 109, 120(b) of IPC.



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

2.For the sake of clarity and understanding the ranks of the accused as

mentioned in the FIR and the final report are referred to as follows:

S.No	Case Number	Parties Detailed	Offence	Rank as in FIR Alteration Report	Rank as In final report	Date of Arrest
1	CrI.O.P.(MD).No.738 of 2026	Jeyaraj @ Suraal vs. Koodal Pudur Ps Crime No.802 of 2025	U/s.103(1), 126 (2), 49, 61(2)(a) of BNS dated 12.09.2025	A1	A4	15.09.2025 (116 days)
2	CrI.O.P.(MD).No.739 of 2026	Murali vs. Koodal Pudur Ps Crime No.802 of 2025	U/s103(1), 126(2), 49, 61(2)(a) BNS dated 12.09.2025	A5	A7	15.09.2025 (116 days)
3	CrI.O.P.(MD).No.805 of 2026	Vengateshwaran vs. Koodal Pudur PSO Crime No.802 of 2025	U/s103(1), 126(2), 49, 61(2)(a) BNS dated 12.09.2025	A7	A8	15.09.2025 (116 days)
4	CrI.O.P.(MD).No. 4177 of 2026	Ravimaran vs. Koodal pudur PSO Crime No.802 of 2025	U/s103(1), 126(2), 49, 61(2)(a) BNS dated 12.09.2025	A4	A3	15.09.2025 (116 days)
5	CrI.O.P.(MD).No. 23237 of 2025	Kallanai (A5-A6) vs. Kooda Pudur PSO Crime No.802 of 2025	U/s.103(1), 126(2), 49, 61(2)(a) BNS dated 12.09.2025	A6	A5	12.09.2025 (119 days)
6	CrI.O.P.(MD).No. 23239 of 2025	K.Saad @ Pon saravanan Crime No.802 of 2025	U/s.103(1), 126(2), 49, 61(2)(a) BNS dated 12.09.2025	Not mentioned	A6	12.09.2025 (119 days)
7.	--	Vigneshwaran Crime No.802 of 2025	U/s.103(1), 126(2), 49, 61(2)(a) BNS dated 12.09.2025	A1	A1	15.09.2025



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

8	---	Sivalingam Crime No.802	U/s.103(1), 126(2), 49, 61(2)(a) BNS dated 12.09.2025	A2	A2	15.09.2025
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3. According to the prosecution, the deceased, Rajkumar, and Kallanai (A5 in FIR; A6 in Chargesheet) were jointly carrying on a transport business under the names “RK Transport” and “RK Roadways.” Subsequently, Kallanai intended to induct his son, arrayed as A7, into the said business. However, the deceased refused to permit such induction. Aggrieved by the same, Kallanai his son and A7 allegedly conspired to eliminate the deceased. In furtherance of the said conspiracy, Kallanai is stated to have contacted Murali (A7) in the charge sheet and Jayaraj (A4) in the charge sheet to arrange for hired assailants. Through them, the assailants, namely, A1 to A4, were allegedly engaged to carry out the plan of murder. It is the further case of the prosecution that, pursuant to the conspiracy, an earlier attempt was made on the life of the deceased on the date of occurrence, when the deceased was travelling on a two-wheeler. One of the accused allegedly attempted to cause his death by dashing a vehicle against him. However, the deceased escaped from the said attempt. Subsequently, the conspirators allegedly deployed the hooligans to execute the plan. Accordingly, on 12.09.2025 at about 9.30 p.m., the deceased was attacked and murdered on the main road at Madurai. Based on the complaint lodged by



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

the deceased's wife, Chandrakala, an FIR was registered. In the complaint, it was specifically stated that three persons were involved in the occurrence and that the witnesses were capable of identifying them. During the course of investigation, an alteration report dated 15.09.2025 was filed and the offences were altered to Sections 126(2), 103(1), 61(2)(a) and 49 of the Bharatiya Nyaya Sanhita, 2023. Thereafter, the investigation agency completed the investigation and filed the final report, which was taken on file in S.C.No.35 of 2026 by the learned VI Additional District and Sessions Judge, Madurai.

4.During the course of investigation, the investigating agency also recommended the invocation of Act 14 (the Tamil Nadu Goondas Act) and a detention order was passed against some accused. However, the said detention order was subsequently revoked by the Advisory Board. Earlier bail petitions filed by the accused were dismissed. Subsequently, in view of the changing circumstances, namely, filing of the final report, taking cognizance by the Sessions Court, and revocation of the detention order under Act 14, the present bail petitions have been filed. Some of the accused have filed their first bail petitions, while others have filed second bail petitions.



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

5.The learned Senior Counsel Mr.R.Shanmuga Sundaram, appearing for accused No.4, submitted that two FIRs exist in the present case. One FIR relating to the occurrence reached the court on the early morning of the date of occurrence, whereas another FIR bearing the same index number reached the learned Judicial Magistrate at 6.33 a.m. on 15.09.2025. According to the learned Senior Counsel, the existence of two FIRs relating to the same occurrence but bearing different dates creates serious doubt regarding the authenticity of the prosecution case. It was contended that the entire investigation, which followed a fabricated FIR, is vitiated and indicates that a false case has been foisted against the accused owing to prior enmity between Kallanai (A5-A6) and his son. The learned Senior Counsel further submitted that the presence of the so-called eyewitnesses is highly doubtful, in view of the inconsistencies between their earlier statements recorded by the investigating agency and their subsequent additional statements. It was also contended that, in view of the aforesaid material lacunae, and considering that the petitioners have been in judicial custody for more than 100 days, they are entitled to pre-trial bail, particularly in light of the constitutional mandate of personal liberty and the principles laid down by the Honourable Supreme Court in various decisions emphasizing bail as the rule and jail as the exception. It was further submitted that the investigation has already been completed, and therefore



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

continued incarceration of the petitioners is unwarranted.

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6.The learned Senior Counsel Mr.Kathirvelu, appearing for certain other accused, reiterated the above submissions and further contended that the credibility of the alleged eyewitnesses is highly doubtful. It was also submitted that the materials collected by the investigating agency are insufficient to establish the alleged conspiracy. The learned Senior Counsel further submitted that the identity of the assailants has not been established in the manner known to law, as no Test Identification Parade was conducted. According to the learned counsel, the absence of such identification exposes a serious lacuna in the prosecution case. It was further argued that there is no independent material connecting the accused with the crime, and that the only material against some of the accused is the confession statement of co-accused, which by itself is not admissible evidence against them. More particularly, it was contended that Saravanan has been implicated without any independent material, but, solely on the basis of the confession of a co-accused. Similarly, Kallanai has also been implicated without any substantive material linking him to the alleged occurrence. The learned counsel appearing for the other accused also adopted the above submissions and prayed that the petitioners be enlarged on bail.



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

7. The learned Additional Public Prosecutor, on instructions and upon perusal of the CD file, submitted that the present case relates to a murder executed in a public place at the junction of Parkdown Second Street in a brutal and organized manner. According to the prosecution, accused Nos. A5 and A6, namely Kallanai (A5-A6) and his son Poon Saravanan, due to business rivalry with the deceased, engaged hired hooligans to execute the murder. It was further submitted that even prior to the occurrence there had been an earlier attempt on the life of the deceased, which came to light during the course of the present investigation. The investigation indicates that the murder was carried out in a pre-planned and organized manner through hired assailants. The learned Additional Public Prosecutor further submitted that the involvement of all the accused has been sufficiently established through sufficient materials collected during investigation. The materials collectively indicate that all the accused participated in the conspiracy as well as in the execution of the murder. It is alleged that the assailants, namely A1 to A3, acted in collaboration with the other accused and had constant communication regarding the movements of the deceased. After the execution of the murder, information regarding the completion of the act was conveyed to Kallanai (A5-A6) and Pon Saravanan. It was also submitted that the accused were subsequently involved in the transfer of money connected with the commission of the offence. The investigation



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

agency has collected the call detail records and phone data of the accused, which reveal frequent communications among them both prior to and after the commission of the offence. According to the prosecution, the materials collected are sufficient for framing charges against the accused. Apart from the above, the learned Additional Public Prosecutor submitted that the eyewitnesses in the case are under constant threat. Considering the nature of the offence, which is not an ordinary murder but an organized killing carried out through hired assailants, it was strongly contended that granting bail at this stage would adversely affect the safety of the witnesses and the course of justice. Reference was also made to the previous criminal antecedents of some of the accused.

8.The learned counsel appearing for the *defacto* complainant, Mr.N.S. Karthikeyan, reiterated the submissions of the learned Additional Public Prosecutor and emphasized that there is a serious and constant threat to the witnesses. It was submitted that if bail is granted to the accused, the witnesses would not be in a position to depose freely and without fear. The learned counsel further disputed the contention of the accused regarding the alleged compromise relating to the earlier attempt on the life of the deceased, wherein the deceased was allegedly attacked by ramming a Sumo vehicle by one of the



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

accused. According to the learned counsel, the said incident clearly demonstrates the intention lurking in the mind of the accused to eliminate the deceased. It was therefore contended that Kallanai and his son Pon Saravanan had, in a calculated and planned manner, executed the murder by engaging hired assailants with the intention of usurping the partnership business in which the deceased had the dominant share and profit. In such circumstances, there exists a real possibility of intimidation of witnesses. Hence, the learned counsel sought dismissal of the present bail petition.

9.This Court considered the rival submissions made by the learned Senior Counsel appearing for the petitioners, the learned Additional Public Prosecutor appearing for the State, and the learned counsel appearing for the *defacto* complainant and also perused the records produced by the learned Additional Public Prosecutor, including the CD file, as well as the typed set of papers filed on behalf of the accused.

10.Before deciding the entitlement of bail, this Court deems it appropriate to bear in mind and cull out the principles laid down by the Hon'ble Supreme Court in *State of Karnataka v. Sri Darshan*, reported in 2025 SCC



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

OnLine SC 1702, for deciding bail in matters involving heinous offences such

as murder, which reads as follows:

20.4.1. It is well settled that the mere filing of a charge-sheet does not confer an indefeasible right to bail. Likewise, the mere prospect of a prolonged trial cannot, by itself, outweigh the gravity of the offence, the incriminating material gathered during investigation, or the likelihood of tampering with witnesses.

20.4.3. In Brijmani Devi v. Pappu Kumar (supra), this Court held that the possibility of the accused absconding or threatening witnesses had a direct bearing on the fairness of the trial. In serious offences, such apprehensions - when reasonably supported by record - must weigh against the grant of bail.

20.4.5. In Rahul Gupta v. State of Rajasthan³⁵, this Court further emphasized that once the accused has been charge-sheeted after investigation, the High Court must consider the material collected during investigation to determine whether a prima facie case exists and whether bail is justified. The Court quashed the bail order, directing the accused to surrender and remanding the matter to the High Court for fresh consideration, after examining the evidence on record.

20.4.6. In the present case, the High Court failed to engage with the incriminating material collected during investigation, despite the seriousness of the offence under



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

Section [302 IPC](#) and the allegation of conspiracy. The mere filing of the charge-sheet, the existence of a long list of witnesses, or the possibility of delay in trial, cannot, by themselves, constitute valid reasons to dilute the gravity of the offence or to disregard the case put forth by the prosecution. As repeatedly held by this Court, such factors are not standalone grounds for the grant of bail in heinous offences involving murder. The reasoning adopted by the High Court to justify the grant of bail is, therefore, contrary to settled legal principles.

11. Therefore, it is well settled, bail is discretionary relief. It is the duty of the bail Court, to consider the materials and to exercise its discretion to grant bail. While considering the discretion, the bail Court is dutybound to consider the following conditions:

(i) the nature of accusation and the severity of the punishment in case of conviction and the nature of the materials relied upon by the prosecution;

(ii) reasonable apprehension of tampering the witnesses or apprehension of threat to the complainant or the witnesses;

(iii) reasonable difficulty of securing the presence of the accused at the time of trial or the likelihood of his abscondence;

(iv) character, behaviour and standing of the accused and the circumstances which are adverse to the accused;



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

(v) larger interest of the public or the State and similar other considerations.

12.From the records, it appears that, according to the prosecution, Kallanai (A5 in the FIR and A6 in the final report) and the deceased were partners in a business conducted under the name and style of RK Roadways. It is alleged that Kallanai insisted that the deceased induct his son, Pon saravanan (A7), into the said business as a partner. However, the deceased was not inclined to accede to the said request.

13.It is the further case of the prosecution that, on account of the said refusal, an earlier attempt was made on the life of the deceased by the henchmen of the accused, wherein one of the accused allegedly attempted to murder the deceased by ramming a vehicle against him.

14.According to the prosecution, pursuant to the conspiracy so hatched, the murder was executed in a cruel manner at a public place, namely the junction of Parktown Second Street, by engaging hired hooligans. Considering the nature of the allegations and the materials placed before this Court, it prima facie appears that the offence alleged is not an ordinary case of murder but one



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

involving a planned and organized execution through hired assailants. The alleged involvement of such hired assailants and the allegation of a well-planned conspiracy and well planned execution of murder are matters which require careful consideration at the stage of trial.

15.At this stage, the specific materials collected by the investigating agency, the evidentiary value and truthfulness of the statements recorded during investigation, as well as the inconsistencies pointed out by the learned counsel appearing for the petitioners, are all matters that can only be adjudicated during the course of trial.

16.Another significant factor brought to the notice of this Court is the apprehension expressed regarding threats to the eyewitnesses. Considering the nature of the offence and the allegation that the crime was committed through organized plotting by engaging hired assailants, the interest and protection of the witnesses assume considerable importance.

17.In such circumstances, this Court is of the view that the contention that prolonged incarceration alone should be treated as a ground for grant of bail cannot be accepted as an absolute proposition in the facts of the present



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

case. Having regard to the submissions made by the learned Additional Public Prosecutor and the learned counsel appearing for the defacto complainant, particularly with reference to the protection and safety of the witnesses, this Court is not inclined to grant bail to the petitioners at this stage.

18. Even though the petitioners are confined in jail for a long period, in the peculiar circumstances of this case, the same is not a ground to grant the relief of bail to the appellant. In this aspect, it is relevant to note the judgment of the Hon'ble Supreme Court reported in **(2022) 5 SCC 465[Jaibunisha v. Meharban]**:

“21.6. Another factor which should guide the courts' decision in deciding a bail application is the period of custody. However, as noted in Ash Mohammad v. Shiv Raj Singh [(2012) 9 SCC 446] the period of custody has to be weighed simultaneously with the totality of the circumstances and the criminal antecedents of the accused, if any. Further, the circumstances which may justify the grant of bail are to be considered in the larger context of the societal concern involved in releasing an accused, in juxtaposition to individual liberty of the accused seeking bail.”

19. This Court is not inclined to grant bail merely because the final report is filed when there is a reasonable apprehension of potential threat to the witnesses. In this aspect, it is relevant to note the judgment of the Hon'ble



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

Supreme Court reported in **(2021) 6 SCC 191 [Naveen Singh v State of U.P.]**:

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“12.5. Merely because the charge-sheet is filed is no ground to release the accused on bail.”

20. From the submission of the learned Additional Public Prosecutor and the learned counsel appearing for the defacto complainant and comparative position of the accused and the victim, this Court prima facie finds that the apprehension of the safety of the victim and other witnesses is well founded. In this aspect, it is relevant to refer the judgment of the Hon'ble Supreme Court reported in **(2021) 6 SCC 230[Ramesh Bhavan Rathod v. Vishanbhai Hirabhai Makwana]**:

“This is for the reason that the outcome of the application has a significant bearing on the liberty of the accused on one hand as well as the public interest in the due enforcement of criminal justice on the other. The rights of the victims and their families are at stake as well. These are not matters involving the private rights of two individual parties, as in a civil proceeding. The proper enforcement of criminal law is a matter of public interest.



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

21. In the case of **Sudha Singh v. State of U.P.**, reported in (2021) 4

SCC, the Hon'ble Supreme Court has held as follows:

“7. We find in this case that the High Court has overlooked several aspects, such as the potential threat to witnesses, forcing the trial court to grant protection. It is needless to point out that in cases of this nature, it is important that courts do not enlarge an accused on bail with a blinkered vision by just taking into account only the parties before them and the incident in question. It is necessary for courts to consider the impact that release of such persons on bail will have on the witnesses yet to be examined and the innocent members of the family of the victim who might be the next victims.”

22. In the case of **Brijmani Devi v. Pappu Kumar**, reported in (2022) 4

SCC 497 the Hon'ble Supreme Court has held as follows:

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



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

*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. We have extracted the relevant portions of the impugned orders [Pappu Kumar v. State of Bihar, 2021 SCC OnLine Pat 2856] , above. At the outset, we observe that the extracted portions are the only portions forming part of the “reasoning” of the High Court while granting bail. As noted from the aforecited judgments, it is not necessary for a court to give elaborate reasons while granting bail particularly when the case is at the initial stage and the allegations of the offences by the accused would not have been crystalised as such. There cannot be elaborate details recorded to give an impression that the case is one that would result in a conviction or, by contrast, in an acquittal while passing an order on an application for grant of bail. At the same time, 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.”

(Emphasis Supplied)



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

23. While considering the grant of bail, the Court is required not only to take into account the period of incarceration of the accused, but also to examine the aspects of witness protection and the reasonable possibility of securing the presence of the accused during the course of the proceedings. In the present case, two of the accused are Sri Lankan repatriates. Hence, this Court has also taken into consideration the likelihood of the accused fleeing if they are enlarged on bail, particularly in view of their status as repatriates. This Court has also taken into consideration of the previous criminal antecedents of some of the accused. In such circumstances, this Court is not inclined to grant bail.

24. In view of the above law laid down by the Hon'ble Supreme Court mere filing of final report, mere prospect of a prolonged trial and the period of incarceration, cannot be considered and considering the nature of this case this Court is not inclined to grant bail. However, considering that cognizance has already been taken and the case has been posted for further proceedings before the trial Court, this Court deems it appropriate to direct the learned trial Judge to dispose of the trial as expeditiously as possible by giving priority to the present case.



CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

25.It is also made clear that liberty is granted to the petitioners to renew their application for bail after the examination of the material witnesses in the case.

26.With the above observations, the bail petitions are dismissed.

12.03.2026

sbm

To

- 1.The VI Additional District and Sessions Court, Madurai.
- 2.The Inspector of Police,
Koodal Pudur Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23237 and 23239 of 2025

K.K.RAMAKRISHNAN.J,

sbn

CRL OP(MD) Nos.738, 739, 805, 4177 of 2026 and 23239 and
23251 of 2025

12.03.2026