

Crl.A(MD)No.594 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cl.A(MD) No.594 of 2026

Muthu @ Muthukumar

... Petitioner

Vs.

1.State of Tamil Nadu rep by,
through the Assistant Commissioner of Police,
Palayamkottai Sub Division,
Tirunelveli City.

2.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City,
(Crime No.302 of 2024),

3.Muthukumar

... Respondents

Prayer: Petition filed under Section 14 -A(2) of the SC/ST Act to call for the records pursuant to the order passed by the II Additional District and Sessions Judge (PCR), Tirunelveli in CrMP.No.231 of 2026, dated 30.04.2026 and set aside the same, allow the criminal appeal.

For Petitioner : Mr.Niranjan S.Kumar
for Mr.B.Aravinthan

For Respondent : Mr.A.Robinson
Nos.1 and 2 Government Advocate
For Respondent : Mr.C.Mayilvahana Rajendran
No.3



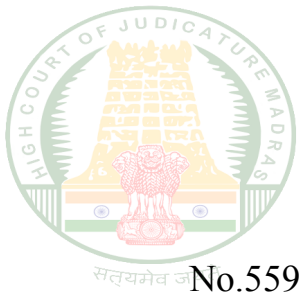
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ORDER

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This criminal appeal is filed by the accused No.17 in SC.No.75 of 2024, on the file of the II Additional District and Sessions Judge (PCR), Tirunelveli challenging the order dated 28.10.2025 cancelling the bail granted to the appellant.

2. There are totally 18 accused. The appellant is accused No.17 and he has been arrested that he harboured other accused for the commission of offence. The appellant was arrested on 10.08.2024. He was granted bail originally by the trial court on 04.10.2024 after filing of the final report on 11.09.2024, with a condition that he should stay at Cuddalore and report before the Cuddalore Town Police Station. The appellant has failed to comply with the condition imposed by the trial court in CrMP.No.3594 of 2024 dated 14.10.2024. The appellant was arrested again on 29.03.2025 in connection with crime No.215 of 2025. He was released on bail on 30.04.2025 in connection with crime No.215 of 2025. Again he was arrested in connection with crime No.559 of 2025 that the appellant has attempted to assault the police on 05.08.2025. The appellant is in jail from 05.08.2025. While he was in jail in connection with Crime



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No.559 of 2025, he was remanded on PT warrant in this case. According to the learned counsel, this appellant was in jail from 10.08.2024 to 14.08.2024 and now he is in jail from 05.08.2025 to till date, for the past 9 months and the respondent police has not secured other accused and therefore, the trial could not proceed.

3.The learned counsel appearing for the 3rd respondent defacto complainant submits that the occurrence had taken place on 20.05.2024, final report was filed on 11.09.2024, committed to the court of Sessions and pending before the Sessions Court in SC.No.75 of 2024 before the II Additional Sessions Court, Tirunelveli. Not even charges are framed so far for want of other accused. The respondent police have not secured the other accused and the accused, who were released on bail have not complied with the condition and are not co-operating for the trial. Therefore, the case is pending without any progress. He apprehends that there is life threat, if he is released on bail. He also submits in the event, if he is released on bail, he may abscond and may not be available for the trial and therefore, he opposes the bail.



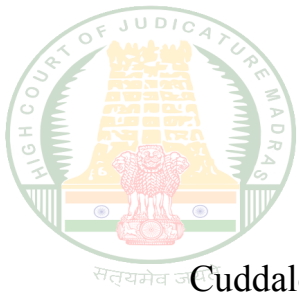
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4.The learned Government Advocate submits that apart from this case, the appellant is having 5 other cases. Originally the appellant was granted bail by the trial court, however, the appellant has not complied with the conditions imposed therein. While he was in bail, he involved in two other cases. Therefore, the learned Government Counsel opposes grant of bail. He also points out that NBW as against 4 accused are still pending and they have secured one accused today. If he is released on bail, the trial would be affected.

5.Heard the learned counsel on either side and perused the materials placed on record.

6.This appellant was arrested in connection with Crime No.302 of 2024 on 10.08.2024, wherein, one Deepak Raja was allegedly murdered by the appellant and others. This appellant was released on bail by the Special Court on 14.10.2024 on the ground that the investigation was completed, the final report has been filed and the same has also been taken on file in S.C.No.75 of 2024. This appellant was originally released on bail with a condition that he should reside at Cuddalore and report before the



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Cuddalore Town Police Station daily at 9.00 a.m. and 5.00 p.m. until further orders. However, the appellant failed to comply with the above condition and he was arrested again in connection with another case in Crime No.215 of 2025 by Nanguneri Police on 29.03.2025 that he has intimidated the witnesses. Pursuant to his remand in Crime No.215 of 2025, the first respondent has filed an application to cancel the bail granted to this appellant by the Special Court in Cr.M.P.No.3594 of 2024 dated 14.10.2024. This cancellation application filed by the first respondent was allowed by the trial Court in Cr.M.P.No.3915 of 2024 by order dated 09.09.2025 and the bail granted to this appellant was cancelled on the ground that he failed to comply with the condition imposed in Cr.M.P.No.3594 of 2024 and that he has involved in another case in Cr.No.215 of 2025 on the file of the Nanguneri Police Station. The petitioner is in jail from 29.03.2025 and previously, he was in jail from 10.08.2024 to 30.10.2024.

7.The learned Government Advocate appearing for the respondent Police has opposed the grant of bail stating that this appellant is a habitual offender involved in five (5) other criminal cases. The details



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under:

have also been furnished before this Court and the same is extracted as

(i) Melapalayam Police Station – Cr.No.439/2022

– U/s.341, 394 IPC.

(ii) Melapalayam Police Station – Cr.No.359/2022

– U/s. 8(C) r/w. 20(b)(II)(B), 25, 29 of NDPS Act.

(iii) Melapalayam Police Station –

Cr.No.148/2023 – U/s.294(b), 307, 506(ii) IPC.

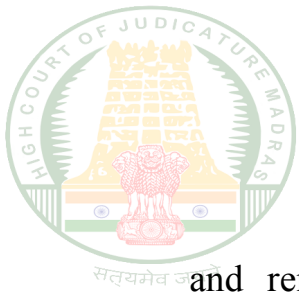
(iv) Perumalpuram Police Station –

Cr.No.533/2023 – U/s.294(b), 307, 506(ii) IPC

(v) Kalkadu Police Station – Cr.No.559/2025 –

U/s.296(b), 118(1), 118(2), 109, 351(3) BNS.

8. Totally 18 persons have been added in Crime No.302 of 2024 and this appellant has been added as accused No.17 that he has harboured some of the accused. Admittedly, this appellant is not having any active role in the commission of offence. He was originally arrested on 10.08.2024 and released on bail on 14.10.2024. Thereafter, he was arrested on 29.03.2025 in connection with another case in Crime No.215 of 2025



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and remanded in this case, pursuant to the cancellation order dated 30.04.2025, on 05.08.2025. The appellant is in jail for nearly nine (9) months. In this case, final report has already been filed and the same has been taken on file in S.C.No.75 of 2024. It appears that a direction has been issued by this Court on the application filed by the 3rd respondent/defacto complainant to the trial Court to dispose of the case in S.C.No.75 of 2024 within a reasonable time.

9.Considering the overt act attributed as against the appellant and his period of incarceration, this Court is inclined to grant bail to this appellant, however, with certain conditions.:

(i) The appellant is ordered to be enlarged on bail on executing a bond for a sum of Rs.2,00,000/- (Rupees Two Lakh) with two sureties each for a like sum to the satisfaction of the II Additional Sessions Judge, Tirunelveli and the sureties must be a government servant.

(ii) The appellant and the sureties shall file an affidavit before the respondent police that the appellant will not misuse this liberty and will not indulge in any further offence and he will be available for the trial.



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(iii) The appellant shall stay at Madurai and report before the Inspector of Police, Karimedu Police Station, Madurai daily at 10.30am, except on the hearing dates before the trial court. He should appear before the trial court on all the hearing dates.

(iv) If the appellant changes his residence, the same shall be informed to the respondent police immediately with correct address.

(v) If the appellant violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

7. In the result, this appeal is allowed and the order passed by the learned II Additional District and Sessions Judge (PCR), Tirunelveli in CrMP.No.231 of 2026, dated 30.04.2026 is set aside.

19.06.2026

DSK



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- 1.The Assistant Commissioner of Police (in-charge),
Social Justice and Human Rights Division,
Palayamkottai Sub Division,
Tirunelveli City.
- 2.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
- 3.II Additional Sessions Judge (PCR),
Tirunelveli district.
- 4.The Superintendent,
Central Prison,
Madurai.

Copy to

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



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B.PUGALENDHI, J.,

DSK

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