



REPORTABLE
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). _____ OF 2026
(Arising out of SLP (Crl.) No (s). 4728 of 2026)

P. SUGUMAR **....APPELLANT(S)**

VERSUS

PALANISAMY @ VINAYAGA
PALANISAMY & ANR. **....RESPONDENT(S)**

ORDER

Mehta, J.

1. Heard.
2. Leave granted.
3. The appellant-original complainant is before us challenging the order dated 9th March, 2026 passed by the learned Single Judge of the High Court of Judicature at Madras¹ in Crl.O.P. No. 4800 of 2026, whereby the application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed

¹ Hereinafter referred to as 'High Court'.

by respondent No.1-accused in connection with Crime/FIR No. 406 of 2025, registered at Mangalam Police Station, Tiruppur District, for the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023², was allowed and respondent No.1 was enlarged on bail.

BRIEF FACTS

4. The appellant-complainant lodged a complaint at P.S. Mangalam, Tiruppur District on 10th September, 2025 alleging *inter alia* that the deceased, namely, K. Palanisamy (father of the appellant), was a public-spirited individual and a human rights activist who actively raised issues concerning civic amenities, including drinking water facilities, unauthorised cutting of trees, drainage issues, and alleged misuse of village panchayat resources.

5. It is alleged that a dispute arose when the deceased objected to the attempt of respondent No.1, Palanisamy @ Vinayaga Palanisamy, who was serving as the Chairman/President of Samalapuram Town Panchayat, to lay a tar road over private land by utilising panchayat resources. Owing to such

² Hereinafter referred to as 'BNS'.

objection/protest, the said road work was allegedly stopped on 4th July, 2025. On the same date, the deceased, along with residents of Lakshmi Garden, submitted a representation before the Municipal Executive Officer, Samalapuram Municipality which according to the appellant-complainant led to respondent No.1 developing a serious grudge against the deceased on account of such intervention.

6. On 10th September, 2025, at about 4:30 P.M., the deceased was travelling on his Yamaha Fascino two-wheeler when respondent No.1, allegedly driving a white Mahindra Bolero bearing registration No. TN-99-Y-9599, followed him and intentionally rammed into and ran over the said two-wheeler. It is alleged that respondent No.1 fled from the spot immediately thereafter. The deceased sustained grievous crush injuries, including injuries to the chest, abdomen, and hip region, and subsequently succumbed to the said injuries while undergoing treatment.

7. On the basis of the aforesaid complaint, FIR No. 406 of 2025 came to be registered at Mangalam Police Station, Tiruppur City, for the offence punishable under Section 103(1) of the BNS. The appellant-complainant specifically alleged in the FIR

that the incident was not a mere road accident, but an intentional act of murder committed by respondent No.1 due to prior enmity arising from the deceased's objection to the road work and misuse of panchayat resources.

8. The respondent No.1 was arrested and remanded to judicial custody on 11th September, 2025. Post-mortem examination was conducted on the dead body of the victim and Post-Mortem Certificate bearing P.M. No. 1112 of 2025 was issued by the Department of Forensic Medicine, Government Medical College and Hospital, Tiruppur. The post-mortem report records multiple injuries caused by mechanical violence, including numerous crush injuries, thereby corroborating the allegation that the deceased was run over by a heavy vehicle.

9. Thereafter, respondent No.1 filed a bail application before the Court of the Principal District and Sessions Judge, Tiruppur, vide CrI.M.P. No. 2306 of 2025, which came to be dismissed on 17th September, 2025. Respondent No.1 thereafter approached the High Court seeking bail. The said bail application, registered as CrI.O.P. No. 28105 of 2025,

was dismissed by the High Court on 15th October 2025.

10. Aggrieved by the dismissal of his bail application by the High Court, respondent No.1 approached this Court by filing SLP (CrI.) No. 17641 of 2025. During the pendency of the said special leave petition, the police filed the chargesheet on 25th November, 2025 against respondent No.1 for offence under Section 103(1) BNS. The case was thereafter taken on file as S.C. No. 70 of 2026 and is pending trial before the learned II Additional Sessions Judge, Tiruppur.

11. Reply/counter affidavits were filed by respondent No.1 in the said SLP. On 4th February, 2026, SLP (CrI.) No. 17641 of 2025 was taken up by this Court whereupon learned counsel for the petitioner, on instructions, sought permission to withdraw the petition. Recording the said submission, this Court dismissed the special leave petition as withdrawn. It may be noted here that the order of dismissal was simpliciter in nature and did not grant any liberty to move a fresh bail application.

12. On 18th February, 2026, the appellant-complainant filed a witness protection application

alleging continued intimidation and threats, particularly in view of the position and influence of respondent No.1 as an elected representative of the local body.

13. The respondent No.1 again approached the High Court by filing Crl.O.P. No. 4800 of 2026 seeking bail. The appellant-complainant intervened in the said proceedings by filing Crl.M.P. No. 4604 of 2026, which was allowed by the High Court on 9th March, 2026. The appellant-complainant opposed the grant of bail to respondent No.1.

14. By the impugned order dated 9th March, 2026, the High Court granted bail to respondent No.1. While doing so, the High Court noticed that the investigation had been completed and the chargesheet had been filed. The custody period of respondent No.1 from 11th September was treated to be as indicative of gross delay in trial and accordingly, the bail application was allowed by order dated 9th March, 2026 as well as the medical condition of respondent No.1. The High Court directed respondent No.1 to stay at Madurai, report before D1, Tallakulam Police Station, Madurai twice daily, and not to enter Tiruppur District except for

the purpose of appearing for the trial in S.C. No. 70 of 2026.

15. Aggrieved by the aforesaid order, the appellant-complainant is before us by way of appeal through special leave.

SUBMISSIONS ON BEHALF OF THE APPELLANT-COMPLAINANT

16. Ms. Rupali Samuel, learned counsel appearing on behalf of the appellant-complainant, submitted that the High Court totally erred in granting bail to respondent No.1 in a case involving the grave offence of murder punishable under Section 103(1) of the BNS. It was submitted that respondent No.1 is not an ordinary accused, but a local elected representative, being the Chairman/President of Samalapuram Town Panchayat, and therefore, his release on bail poses a serious threat to the complainant, witnesses and legal heirs of the deceased.

17. It was urged that the High Court failed to appreciate the gravity of the allegations and the material collected during investigation, including the post-mortem report, which shows multiple external injuries, including lacerations and abrasions, along

with serious internal injuries. The report further mentions about the fracture of ribs, injury to the thoracic region, laceration of the heart/right ventricle and lungs, thereby corroborating the factum of the victim being intentionally run over by a vehicle. The chargesheet had already been filed against respondent No.1, and the case had been taken on file as S.C. No. 70 of 2026 before the learned II Additional Sessions Judge, Tiruppur. Despite this, the High Court granted bail mainly on the ground of long incarceration and completion of investigation.

18. Learned counsel further submitted that the earlier bail application of respondent No.1 had been rejected by the Sessions Court and thereafter by the High Court on 15th October, 2025. Respondent No.1 had also approached this Court in SLP(Crl.)No. 17641 of 2025, the post-mortem report of the victim was taken on record and thereafter, the SLP was dismissed as withdrawn vide order dated 4th February, 2026. It was submitted that there was no material change in circumstance after rejection of the first bail application of respondent No.1 by the High Court and by this Court, which could justify the subsequent grant of bail by the High Court.

19. It was further submitted that the appellant-complainant had filed a witness protection application on 18th February, 2026, alleging continued intimidation and threats. The pendency of the said witness protection application, coupled with the position and influence of respondent No.1, ought to have weighed with the High Court while considering the prayer for bail. The High Court, however, failed to properly consider the threat perception and the possibility of tampering with witnesses.

20. It was therefore submitted that the impugned order granting bail suffers from non-consideration of relevant material, is mechanical in nature, and proceeds primarily on the ground of incarceration, though the custody period was less than one year in a murder case.

21. Thus, learned counsel prayed that the instant appeal be allowed and bail granted to respondent No.1 be set aside/cancelled.

SUBMISSIONS ON BEHALF OF THE RESPONDENT NO.1-ACCUSED

22. *Per contra*, Mr. S. Nagamuthu, learned senior counsel, appearing on behalf of respondent No.1, supported the impugned order and submitted that respondent No.1 has been falsely implicated in the case and has not committed the offence as alleged by the prosecution.

23. It was further submitted that respondent No.1 had been in custody since 11th September, 2025 and by the time the High Court considered the bail application, he had already undergone incarceration for a substantial period. The investigation had been completed and the chargesheet had been filed and taken on file in S.C. No. 70 of 2026 before the learned II Additional Sessions Judge, Tiruppur. Therefore, continued custody of respondent No.1 was not necessary for the purpose of investigation or trial.

24. Learned senior counsel further submitted that the medical condition of respondent No.1, which was noticed by the High Court while granting bail, was also a relevant circumstance weighing in his favour. It was urged that respondent No.1 has complied with,

and is willing to continue to abide by, any stringent condition imposed by the Court, and that his release on bail would not prejudice the trial.

25. It was further submitted that the High Court did not grant unconditional bail. On the contrary, stringent conditions were imposed, including a direction that respondent No.1 shall stay at Madurai, report before D1, Tallakulam Police Station, Madurai twice daily, and shall not enter Tiruppur District except for the purpose of appearing in S.C. No. 70 of 2026. Conditions were also imposed restraining him from absconding or tampering with evidence or witnesses.

26. Thus, learned senior counsel submitted that the High Court, after considering the period of incarceration, completion of investigation, filing of chargesheet justly exercised its discretion in favour of respondent No.1, while taking care and caution to impose stringent conditions thereby ameliorating the concerns of safety raised by the complainant.

27. He, therefore, prayed that the present appeal be dismissed and the order granting bail to respondent No.1 be affirmed.

ANALYSIS AND DISCUSSION

28. We have given our thoughtful consideration to the submissions advanced at the Bar and have perused the material placed on record.

29. The sequence of events assumes considerable importance in the present matter. Respondent No.1 was arrested on 11th September, 2025. His bail application before the learned Principal Sessions Judge, Tiruppur, was dismissed on 17th September, 2025. Thereafter, his application for bail before the High Court was also dismissed on 15th October, 2025 by the learned Single Judge of the High Court. Respondent No.1 then approached this Court by filing SLP (Crl.) No.17641 of 2025. The said petition was dismissed as withdrawn on 4th February, 2026.

30. Despite the aforesaid order passed by this Court, respondent No.1 again approached the High Court by filing another bail application being Crl.O.P. No.4800 of 2026. It seems that there was a change in assignment and the second bail application came up before the learned Roster Judge, who by the impugned order dated 9th March, 2026, allowed the petition and granted bail to respondent No.1 primarily on the ground that he had remained in

custody since 11th September, 2025, investigation had been completed, and chargesheet had been filed.

31. The first application for bail filed by respondent No.1 before the High Court under Section 483 BNS was had been dismissed by the learned Single Judge of the High Court *vide* detailed order dated 15th October, 2025. We are of the opinion that, under normal circumstances, the second application for bail ought to have been placed before the same learned Single Judge but it appears that owing to the answer to a reference made to the Full Bench of the Madras High Court in ***Y. Babu v. State, 2025***³, the second application for bail came to be listed before another learned Single Judge holding roster to hear the bail application. However, where an application for bail has been dismissed by the High Court and subsequently by this Court, under normal circumstances, the subsequent application for bail should not have been entertained and considered favourably unless respondent No.1 was able to portray substantial change in circumstances during the intervening period. A short period of incarceration

³ 2025 SCC OnLine Mad 13414.

for about 5 months and 26 days could hardly be branded as delay so as to justify grant of bail in a serious case of murder.

32. In our considered view, the High Court ought to have kept in mind the previous orders passed in the matter, including the rejection of bail by the Sessions Court, the earlier rejection by the High Court, and the fact that respondent No.1 had approached this Court by filing special leave petition against dismissal of his 1st bail application, which came to be dismissed as withdrawn vide order dated 4th February, 2026 without an express liberty to renew the prayer for bail.

33. The impugned order does not reflect such consideration. There is no discussion as to what new circumstance had arisen after order dated 4th February, 2026 which justified grant of bail within a short span thereafter.

34. At this stage, it is also apposite to notice that this Court has repeatedly emphasised the need for consistency in bail matters arising out of the same FIR. In ***Shekhar Prasad Mahto @ Shekhar Kushwaha v. Registrar General, Jharkhand High Court***, this Court observed: -

“13. Further, we expect that in order to maintain consistency in the views taken by the Court, the learned judge, who will hear the subsequent applications filed for bail, may give due weightage to the views taken by the earlier judge, who had dealt with the bail applications arising out of the same FIR.”

35. When the earlier bail application filed by respondent No.1 had been considered and rejected by the High Court vide order dated 15th October, 2025, the subsequent bail application ought to have been considered by giving due weightage to the earlier view taken by the High Court, as well as to the fact that respondent No.1 had thereafter approached this Court and withdrawn his special leave petition. The impugned order, however, does not indicate that the High Court adverted to the earlier rejection of bail or assigned any cogent reason for taking a different view.

36. The High Court also failed to advert to the serious apprehension expressed by the appellant-complainant regarding threat perception raised by him and the witnesses. The record shows that the appellant-complainant had filed a witness protection application on 18th February, 2026, before the trial Court alleging continued intimidation and threats.

This was a relevant circumstance, particularly because respondent No.1 is stated to be a local elected representative and the allegation itself arises out of the deceased's objection to use of panchayat resources. The possibility of influence over witnesses, therefore, could not have been brushed aside lightly.

37. The High Court has also observed that the matter appears to be a motor accident in disguise of murder. Such an observation, at the stage of bail, without proper consideration of the prosecution material including the FIR, post-mortem, chargesheet and alleged motive, was not warranted. The allegation of the appellant-complainant is that the act was intentional and arose from prior enmity. Whether the case is one of murder or a mere accident is a matter for trial. At the stage of bail, the Court was only required to consider whether the accusation was grave and whether release of the accused would prejudice the trial. Another Honourable Judge of High Court having denied bail to respondent No.1 just a few months earlier and the said rejection, not having been interfered with by this Court, there was no justification for the subsequent Roster Judge to

have made these observations for granting bail to respondent No.1.

38. In the facts and circumstances of the present case, we are of the view that the High Court granted bail without adequately considering the previous rejection of bail, the withdrawal of the earlier SLP before this Court, absence of any substantial change in circumstance, the gravity of the offence, the pending witness protection application and the apprehension of threat to the complainant and witnesses. The High Court further failed to give due weightage to the earlier view taken while rejecting bail, though judicial consistency required such consideration. The impugned order is *ex-facie* perverse and unsustainable in facts and in law.

39. Consequently, the impugned order dated 9th March, 2026 passed by the High Court in CrI.O.P. No.4800 of 2026 cannot be sustained. The bail granted to respondent No.1 is accordingly set aside. His bail bonds are cancelled. The respondent No.1 shall surrender before the concerned trial Court on or before 11th May, 2026, failing which the trial Court shall take appropriate steps to secure his custody in accordance with law. The trial shall be expedited.

The trial Court shall ensure that appropriate protection is provided to the appellant-complainant and the material witnesses.

40. The appeal is allowed accordingly.

41. Pending application(s), if any, shall stand disposed of.

.....**J.**
(VIKRAM NATH)

.....**J.**
(SANDEEP MEHTA)

NEW DELHI;
APRIL 29, 2026.