



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2020

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THE HON'BLE MR.JUSTICE ABDUUL QUDDHOSE

CRL.O.P.(MD)Nos.11795 and 11796 of 2020

WEB COPY

X.Thomas Francis

.. Petitioner

(in Both the petitions)

.. Vs ..

The Additional Superintendent of Police,
SPE, CBI, SC-II,
New Delhi.

.. Respondent

(in Both the petitions)

Criminal Original Petitions filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioner on interim bail for only three days from 17.10.2020 to 19.10.2020 to perform the final rites and rituals of his father in Crime Nos.RC 050 2020 S 0009 and RC 050 2020 S 0008 respectively on the file of the respondent CBI.

For Petitioner
(in both petitions)

: Mr.A.Mohammed Hasim
for Mr.N.Mohideen Basha

For Respondent
(in both petitions)

: Mrs.L.Victoria Gowri
Assistant Solicitor General of India
Assisted by Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

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COMMON ORDER

The petitioner filed these Criminal Original Petitions for interim bail. He was arrested on 08.07.2020 in Crime Nos.649 and 650 of 2020 on the file of the Kovilpatti East Police Station. Subsequently, by notification in G.O(D) No.150, Home (Police-VIII) Department, dated 29.06.2020 issued by the Government of Tamil Nadu and the Notification in No.228/16/2020-AVD-II dated 06.07.2020 issued by the Government of India, both the cases were transferred to CBI and were registered as Crime Nos.RC 0502020S0008 and RC 0502020S0009 on the file of SPE, CBI-SC-II, New Delhi, dated 07.07.2020.

2.It is submitted by the petitioner that the CBI has completed the investigation and filed a final report before the Special Court on 25.09.2020.



3.The petitioner is seeking interim bail on the ground that his father died on 16.10.2020 at about 5.30 p.m due to his illness. As a son, it is his pious obligation to perform the last rites of his father. According to the petitioner, the body of the petitioner's father has been preserved in his house for the arrival of the petitioner. The petitioner also undertakes to bear the escort expenses for attending to the last rites of his deceased father. The petitioner seeks for three days interim bail in these petitions.

4.The petitioner had earlier moved this Court for regular bail, which was dismissed on 01.10.2020 by this Court in Crl.O.P (MD) Nos.9934 to 9938 of 2020. However, in similar situations in the past, this Court has been granted interim bail for the purpose of attending to the last rites of deceased father of similarly placed accused.

5.The reasons given by the petitioner for the grant of interim bail is satisfactory. It is also the submission of the learned Assistant Solicitor General of India, who has taken notice on behalf of the respondent, on instructions, that the respondent has verified the genuineness of the death of the petitioner's father on 16.10.2020. The Village Administrative Officer certificate has also been produced by the petitioner along with these bail petitions to confirm that the petitioner's father died on 16.10.2020.

6.After giving due consideration to the above mentioned factors, this Court is of the considered view that the petitioner is entitled for interim bail to attend his pious obligation to perform the last rites of his deceased father who died on 16.10.2020 at about 5.30 p.m., subject to the fulfillment of the following conditions:-

a) The trial Prisoner, namely, X.Thomas Francis, who is now confined in the Central Jail, Madurai, is granted interim bail for a period of three days, ie., from 12.00 noon on 17.10.2020 till 6.00 p.m., on 19.10.2020, on execution of own bond for a sum of Rs.10,000/- to the satisfaction of the Superintendent of Central Prison, Madurai;

b)The Superintendent of Prison, Central Jail, Madurai, is hereby directed to release the petitioner on his execution of bond to his satisfaction.

c)During the period of interim bail, from 17.10.2020 to 19.10.2020, the petitioner shall appear before the Inspector of Police, Meignanapuram Police Station, Thoothukudi District, at 10.00 a.m daily;

d)It is made clear that the trial prisoner should be brought back to the Central Jail, Madurai, by 6.00 p.m., on 19.10.2020,



without fail;

e)The State Police during the period of interim bail shall provide proper escort to the trial prisoner in order to ensure the safety and security of the trial prisoner. They shall also impose suitable conditions to that effect.

f)The petitioner shall bear the escort expenses of the State Police, prescribed by the authorities;

g)The trial prisoner should also abide by the conditions to be imposed by the authorities concerned.

7.Post the matter on 22.10.2020 for reporting compliance.

sd/-
17/10/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cp

To

1.The Superintendent,
Central Prison,
Madurai.

2.The Additional Superintendent of Police,
SPE, CBI, SC-II,
New Delhi.

3.The Inspector of Police,
Meignanapuram Police Station,
Thoothukudi District.

4.The Special Public Prosecutor for CBI,
Madurai Bench of Madras High Court, Madurai.

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



Copy to:
The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

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17.10.2020

NR(16.10.2020) 4P 7C