



(CBI Crime No.RC0502020 S0008 &

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

DATED : 01.02.2024

PRESENT :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.OP(MD)Nos.1430 and 1434 of 2024

S.Sridhar

: Petitioner/ Accused No.1
in both cases

Vs.

1.State rep. by
Additional Superintendent of Police,
CBI, SC II, New Delhi.
(CBI Crime No.RC0502020 S0008 &
(CBI Crime No.RC0502020 S0009)

... 1st Respondent / Complainant
in both petitions

2.The Director General of Police,
Mylapore,
Chennai.

: 2nd Respondent/Complainant
in both cases

In both petitions

For Petitioner : Mr.S.Ayyanar Prem Kumar, Advocate

For 1st Respondent : Mr.C.Muthusaravanan (in both cases)
Special Public Prosecutor for CBI

For 2nd Respondent : Mr.R.Suresh Kumar
Government Advocate (Crl. side)



(CBI Crime No.RC0502020 S0008 &

For Intervenor : Mr.V.Rajiv Rufus, Advocate

PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER:-

For Bail in S.C.No.470/2020 on the file of the Learned 1st Additional Judge, Madurai in Case No.RC 0502020 S0008 and Case No.RC 0502020 S0009 on the file of the respondent herein.

COMMON ORDER:- The Court made the following order:-

The petitioner is Accused No.1 in both Cases in RC 0502020 S0008 and RC 0502020 S0009, respectively, on the file of the respondent/CBI. The petitioner was arrested and remanded to judicial custody on 02.07.2020, seeking bail, the present petitions have been filed.

2.The aforesaid case in RC 0502020 S0008 relates to the death of one Benniks, S/o.Late P.Jeyaraj, and RC 0502020 S0009 relates to the death of P.Jeyaraj, father of the deceased Benniks, both died in judicial custody.

3.The brief facts leading to the filing of the present bail petitions are as follows:-

3.1.The deceased in these cases, namely Benniks and Jeyaraj were arrested relating to Crime No.312 of 2020, for the offences punishable under Sections 188, 269, 294(b), 353 and 506(2) of the Indian Penal Code on the file of Sathankulam



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Police Station, and both of them were remanded to judicial custody and lodged in

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Sub Jail, Kovilpatti on 20.06.2020. Subsequently, on 22.06.2020, at about 07.35 p.m.,

the deceased Benniks complained of wheezing problem and he was immediately

taken to the Government Hospital, Kovilpatti, where he died at about 09.00 p.m.

Based on the complaint given by the Jail Superintendent, Sub Jail, Kovilpatti, an FIR

was registered in Crime No.649 of 2020 under Section 176(1A) (i) of the Code of

Criminal Procedure, at Kovilpatti East Police Station.

3.2. Thereafter, on the very same day, at about 10.20 p.m., the deceased Jeyaraj

also fell sick and he was also taken to the Government Hospital, Kovilpatti and he

died at about 05.40 a.m., on 23.06.2020. Once again, based on the complaint filed by

the Jail Superintendent, Sub Jail, Kovilpatti, an FIR was registered in Crime No.650

of 2020 under Section 176(1A)(i) of the Code of Criminal Procedure.

3.3. In both the cases, inquest was conducted by the learned Judicial Magistrate

No.1, Kovilpatti. Thereafter, autopsy was conducted by a Board of three doctors of

Forensic Medicine and Toxicology Department of Tirunelveli Medical College,

Tirunelveli and they gave an opinion that, both the deceased would appear to have

died of complications of blunt injury sustained.

3.4. In the meantime, the Madras High Court, Madurai Bench, has taken suo

motu Writ Petition in W.P.(MD)No. 7042 of 2020 and ordered investigation of the



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case by CBCID. Based on the direction, CBCID took up the investigation and registered two FIRs in Crime Nos.1 and 2 of 2020, and during investigation, the complicity of the petitioner prima facie established and he was arrested by CBCID on 02.07.2020. Subsequently, investigation of both the cases was transferred to CBI, by the Government of Tamil Nadu, vide Notification dated 29.06.2020. Subsequently, the Government of India, also issued a Notification for CBI enquiry on 06.07.2020. Based on the same, the CBI took over the investigation and registered the fresh First Information Reports in RC 0502020 S0008 and RC 0502020 S0009. During investigation, it was found that after the arrest of both the deceased, they were kept in Sathankulam Police Station, and at the instigation of the petitioner herein, the other accused, namely, Sub-Inspector of Police and Constables brutally tortured the deceased and caused as many as 18 injuries on both the deceased, subsequently, they died due to complications of blunt injuries sustained by them. Now, seeking bail, the petitioner is before this Court with the present bail petitions.

4.Heard both sides.

5.The facts need not be repeated since on several occasions, the bail applications have been filed before this court before different Benches. The latest one was filed by the co-accused namely Ragu Ganesh in CrI.OP(MD)No.15201 of 2023. It came up before the Coordinate Bench of this court and on 08/09/2023, it was



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dismissed.

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6. Repeated applications are filed by this petitioner seeking bail. Repeated directions also issued by this Court directing the trial Court to complete the trial process within the time frame. In spite of repeated directions, the trial Court could not be completed for one or other reasons.

7. Learned counsel appearing for the CBI would submit that even for the examination of judicial officer, he has taken 1 1/2 months by the accused. Because of this only, the trial could not be completed within the time frame.

8. Elaborate discussion was made in the earlier occasions over the merits of the matter. I am not touching upon the same thing once again. The attempt made by the petitioner to get himself released on bail failed several times. This petition has been filed ON prolonging incarceration because of the prolonged trial process is, itself violation of Article 14 of the Constitution of India and he has to arrange and prepare for defence side evidence. He wants either interim bail or permanent bail. Such sort of contention cannot be taken by the petitioner. No new ground has been made out by the petitioner and repeatedly approaching this Court seeking similar relief may also not proper. I find no change in circumstances.

9. Apart from that it is also stated in the petition that he has to take treatment for his ailments. Regarding the ailments, he can get the treatment in the Prison



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Hospital itself. For arranging the defence side evidence, no bail can be granted and he has to make alternative arrangement.

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10. Considering the seriousness of the allegations only, the earlier application came to be dismissed. At the verge of the trial process, I find no reason to enlarge the petitioner on bail.

11. Accordingly, these Criminal Original Petitions are dismissed.

sd/-
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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN

To

1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MADURAI.

2 THE ADDITIONAL SUPERINTENDENT OF POLICE,
CBI, SC II, NEW DELHI.

3 THE DIRECTOR GENERAL OF POLICE,
MYLAPORE, CHENNAI

4 THE SUPERINTEDENT,
CENTRAL PRISON, MADURAI.



(CBI Crime No.RC0502020 S0008 &

5 THE SPECIAL PUBLIC PROSECUTOR FOR CBI CASES,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.S.AYYANAR PREM KUMAR, Advocate (SR-1292 & 1293[I] dated
01/02/2024)

ORDER
IN

Crl.OP(MD)Nos.1430 and 1434 of 2024
Date :01/02/2024

ED/ GS /SAR- (16/02/2024) 7P / 9C

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