



Crl.M.P(MD)No.5619 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 03.06.2025

Pronounced on : 23.06.2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.O.P(MD).Nos.5467 and 5470 of 2025

and

Crl.M.P(MD)No.5619 of 2025

Sridhar

...Petitioner/ Accused No.1
In Both Petitions

Vs.

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

(Case No.RC 0502020 S 0009 in Crl.O.P(MD)No.5467 of 2025).

(Case No.RC 0502020 S 0008 in Crl.O.P(MD)No.5470 of 2025).

...1st Respondent/ Complainant
In Both Petitions

2.The Director General of Police,
Mylapore,
Chennai – 4.

... 2nd Respondent/ Complainant
In Both Petitions

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,

to enlarge the petitioner/ Accused on bail in connection with S.C.No.470 of 2020 on

the file of the I Additional District and Sessions Court, Madurai relating to RC



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0502020 S 0009 and RC 0502020 S 0008 respectively on the file of the respondent
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police.

For Petitioner : Mr.S.Maya Perumal In Both Petitions

For R1 : Mr.Mr.C.Muthu Saravanan
Special Public Prosecutor for CBI Cases
In Both Petitions

For R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)
In Both Petitions

For Intervenor : Mr.V.Rajiv Rufus, Advocate
In Both Petitions

COMMON ORDER

The petitioner seeks bail in connection with the case in S.C.No.470 of 2020 on the file of the I Additional District and Sessions Court, Madurai, relating to Crime Nos.RC 0502020 S 0008 and RC 0502020 S 0009 of the respondent police.

2. The brief case of the prosecution:-

That the deceased Jeyaraj and Benniks, who are father and son, were arrested on 20.06.2020 relating to a case in Crime No.312 of 2020 for the offences U/s.188, 269, 294(b), 353 and 506(2) of IPC registered by the A4/SI of Police of Sathankulam Police Station and remanded to judicial custody in the Sub Jail, Kovilpatti on 20.06.2020. As both the deceased Jeyaraj and Benniks fell ill, they were admitted in Government Hospital, Kovilpatti. Benniks died on 22.06.2020 at 9.00



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p.m., and Jeayaraj died on 23.06.2020 at 5.40 a.m. Based on the complaint given by the Superintendent of Sub Jail, Kovilpatti, two cases were registered by the Kovilpatti East Police Station in Crime No.649 of 2020 and 650 of 2020 U/s.176(1A) (i) of Cr.PC. A team of doctors conducted postmortem and gave opinion that the deceased were appeared to have died of complications of blunt injuries sustained by them. The case was initially investigated by the CBCID. The petitioner was arrested on 02.07.2020 and he has been in judicial custody then onwards. Thereafter, the CBI conducted investigation, which revealed the petitioner herein along with other accused, who are police officials, brutally attacked on the vital organs of the body and caused multiple injuries to the deceased, thereby, the CBI laid charge sheet against 9 accused U/s.120(B) r/w 302, 342, 201, 182, 193, 211, 218 r/w 34 of IPC. The case has been taken on file as S.C.No.470 of 2020 by the learned Principal Sessions Judge, Madurai and the same has been made over to the I Additional District and Sessions Court, Madurai, for disposal according to law.

2.1. The wife and mother of the deceased moved this Court in W.P(MD) No.3665 of 2021 for speedy trial. Accordingly, direction was issued by this Court for expeditious trial and the case should be disposed of within six months as ordered in that Writ Petition on 18.03.2021 and the stipulated period has been extended then and there as requested by the learned I Additional District and Sessions Judge,



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Madurai.

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2.2. After framing charges, the prosecution examined as many as 51 witnesses.

Now, the Investigation Officer No.2 has been examined in chief and the case is pending for cross-examination of I.O.2. At this stage, the present petition is filed by the petitioner seeking for bail.

3. It is pertinent to mention here that the petitioner has already filed six petitions seeking bail before this Court and the same were dismissed, as furnished hereunder.

Sl.No.	Case Nos.	Date of Disposal
1.	Crl.O.P(MD)No.9290 of 2020	17.09.2020
2.	Crl.O.P(MD)Nos.12665 & 12666 of 2020	10.11.2020
3.	Crl.O.P(MD)No.11844 of 2022	04.07.2022
4.	Crl.O.P(MD)No.6127 of 2023	24.04.2023
5.	Crl.O.P(MD)No.15466 of 2023	15.09.2023
6.	Crl.O.P(MD)No.1434 of 2024	01.02.2024

It is also pertinent to note here that the petitioner approached the Hon'ble Supreme Court in SLP (Crl).No.3634 and 3635 of 2021 seeking for bail, but both petitions were dismissed on 07.09.2021 by the Hon'ble Supreme Court. This is the 7th petition filed by the petitioner and so there is no need to narrate the facts of both the prosecution case and the petitioner's case again, as they were already mentioned in those petitions.

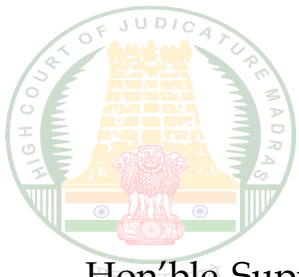


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4. The learned counsel for the petitioner has mainly submitted that the petitioner is in judicial custody for a long period from the date of arrest. The prosecution has examined all the private and independent witnesses. The petitioner has cross examined all the witnesses in person. The case is pending for cross examination of Investigating Officer No.2 and to complete his examination, it will take four or five months. The petitioner wants to prepare arguments and since all the ocular witnesses were examined by the respondent, there is no possibility of tampering the witnesses and hence, for that reason, bail may be granted to him. He has added further that he is suffering from spinal cord disease and the prison doctor has recommended to take further treatment at Meenakshi Mission Hospital, where he already took treatment.

5. The learned Special Public Prosecutor appearing for the first respondent/CBI strongly objected the bail petition and submitted that all the accused are police officials. The petitioner is the prime accused/Accused No.1, who is involved in high brutal murder of father and son, who were arrested in connection with some other case, sustained multiple grievous injuries before remand to judicial custody. The doctors conducted postmortem on the deceased and clearly found that they died of complications of blunt injuries sustained by them. The petitioner has already moved for bail before this Court as well as before the



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Hon'ble Supreme Court, but all those petitions were dismissed. In those orders of dismissal, it is clearly emphasized that the gravity of offences levelled against the petitioner and other accused are severe in nature and so the petitioner is not entitled to bail till the disposal of the case. Moreover, this Court has directed for speedy disposal of the cases within the stipulated time. There are 9 accused in this case and each accused has cross examined each prosecution witnesses at length, so the trial Court was unable to dispose of the case within the stipulated period as directed by this Court. The petitioner has participated trial in person and cross examined the witnesses. The petitioner has cross examined all the prosecution witnesses at length by taking number of hearings. P.W.50 - Judicial Magistrate was cross examined by the petitioner for 26 hearings on various dates from 16.10.2023 to 02.02.2024, so also the Investigating Officer No.1, who was examined in chief in two hearings, was cross examined by this petitioner for 21 hearings on various dates from 27.03.2024 to 26.09.2024. Now the case is pending for cross examination of the Investigating Officer No.2, who deposed evidence in chief for 14 hearings at the instance of the petitioner. The petitioner would take much time for cross examination of I.O.2. The intention of the petitioner and other accused is only to drag the proceedings, not enabling the trial Court to dispose of the case. The petitioner has filed this petition for bail only on the ground of preparing arguments, which is not a valid ground.



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Moreover, mere long incarceration would not be sufficient for granting bail. The trial of the case is reaching finality before the trial Court. At this stage, if the petitioner is granted bail, the petitioner will abscond and the trial of the case would be highly affected and defeat the direction for disposal issued by this court. Therefore, the petition may be dismissed. The learned counsel relied on the following citations:

- (1) (2004) 7 SCC 528 (Kalyan Chandra Sarkar /v/ Rajesh Ranjan @ Pappu Yadav and Anr.”
- (2) 2007 ALL SCR 753 (Rajesh Ranjan Yadav @ Pappu Yadav /v/ CBI through its Director.

6. The learned counsel for the intervenor/defacto complainant submitted that the petitioner himself admitted in Crl.M.P.No.188 of 2022 seeking escort by stating that he questioned the Accused Nos.2 to 9 as to why they had beaten the deceased till their death and why they implicated the petitioner in the case and hence there happened quarrel. So, the petitioner himself admitted that the deceased was tortured, beaten and caused fatal, grievous injuries. The petitioner is influential person and his earlier bail petition was dismissed on 01.02.2024. This Court directed for speedy disposal of case. The case is pending for examination of investigating officer, and if the petitioner is granted bail, he will abscond. Therefore, the petition



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may be dismissed.

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7. Heard and perused available records. The rulings quoted by respondents is also taken into consideration. It is seen from the records that the accused are 9 in number and they were police officials of Sathankulam Police Station. The petitioner is the prime accused/Accused No.1, who along with the co-accused, is said to have caused the brutal murder of deceased Jeyaraj and Benniks (father and son), who were arrested in connection with a case of Sathankulam Police Station. The respondent CBI has investigated the case and laid charge sheet. All the petitioners' bail were negatived by this Court and the Hon'ble Supreme Court, considering the severe gravity of offences.

8. It is pertinent to note here that the petitioner himself has filed six petitions for bail before this Court and SLP before the Hon'ble Supreme Court and those petitions were dismissed considering the heinous nature and gravity of offences allegedly committed by the petitioner and other accused. It is also pertinent to note here that this Court in W.P(MD)No.3665 of 2021 has directed the trial Court for speedy disposal of the case within the stipulated time. So far, the examination of 51 witnesses were completed both chief and cross examination. It is not disputed that each accused cross examined each prosecution witness. The petitioner/Accused No.1 has not engaged counsel on his behalf, but he cross examined all the witnesses



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in person at length by taking number of hearings, as rightly stated by the respondent's counsel. It is submitted by the respondents that the respondent has also stated that the P.W.50, who is the Judicial Magistrate and who has filed inquest report upon the deceased, was cross examined on 26 hearings by this petitioner alone and that the Investigating Officer No.1 was cross examined by this petitioner alone by taking 21 hearings. The above respondent's submission was also not denied by the petitioner's side. The case before the trial Court is now pending for cross examination of Investigating Officer No.2.

9. The learned Senior brother Judge of this Court while dismissing the bail petition in Crl.O.P.(MD)No.2374 of 2025 filed by Accused No.3/Raghu Ganesh on 26.03.2025 held that "there has been no undue delay attributable to the prosecution or the Court in completing the trial, whereas the defence has contributed to the delay, this Court is disinclined to grant bail to Accused No.3 at the late stage in the trial". This Court further directed the trial Court to dispose of the case within two months from the date of receipt of a copy of that order.

10. It is pertinent to note here that the Hon'ble Supreme Court issued guidelines for the disposal of bail applications reported in 2022 (3) MWN (Cr.)145 (SC). As per guidelines, bail applications for the offences punishable with death, imprisonment for life have to be decided on merits on case to case basis, keeping in

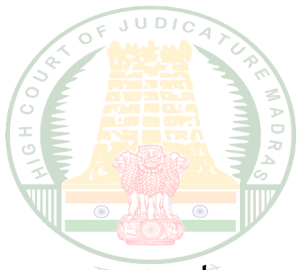


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view of general principle of law. When the bail is a general rule, it is not automatic in serious offences and bail should not be granted merely on the ground of long incarceration. The Hon'ble Supreme Court has emphasized in several cases that the court has to consider the seriousness of the crime and the potential risk of granting bail in case of brutal murder.

11. The petitioner is involved in the heinous, brutal murder of two persons who were allegedly beaten with 'lathi' in lock-up when they were brought to the police station in connection with some other offence. After the deceased were remanded to judicial custody, they fell ill and died in the hospital. The medical officers of the Forensic Medicine and Toxicology Department of Tirunelveli Medical College gave a final opinion that both the deceased would appear to have died of complications of blunt injury sustained. So, the alleged charges against the petitioner are serious in nature. Moreover, the case is admittedly almost at the end of the trial.

12. The petitioner mainly seeks for bail for the reason of preparing argument. It is not a valid ground to grant bail. The argument put forth by the respondent side, as well as the intervening petitioner side, that if the petitioner is granted bail, he would definitely abscond and the trial of the case before the trial Court would be highly affected and the direction for disposal of this Court would be defeated, has



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some strong force. All along, the petitioner himself has participated in the trial and cross examined the prosecution witnesses in person without engaging any counsel. So, the petitioner has ample knowledge about the case and evidence. However, the petitioner is at liberty to engage counsel and to give instructions or to get guidance for preparation of arguments in the prison itself, according to permissible rules available in the Prison Manual. Therefore, considering the overall facts and circumstances, the ground for preparing argument is not a valid ground for enlarging bail to the petitioner. The petitions have no merits and the same deserves dismissal.

13. In the result, the Criminal Original Petitions are dismissed. Consequently, the connected Miscellaneous Petition is closed.

sd/-
23/06/2025

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/06/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsd
TO

- 1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI.
- 2 THE DIRECTOR GENERAL OF POLICE, MYLAPORE, CHENNAI -4



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

4 THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.

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

ORDER
IN
Crl.O.P(MD).Nos.5467 and 5470 of 2025
and
Crl.M.P(MD)No.5619 of 2025
Date :23/06/2025

NBF/24.06.2025 12P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023