



CRL OP(MD). No.23798 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16.02.2026

PRESENT

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

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1. S.Raja

2. G.Prabhu

... Petitioners / Accused 1 and 4

Vs

State

The Special Crime - III Branch,

Central Bureau of Investigation (CBI),

GGO Complex, New Delhi.

(Crime No.RC-08(s)/2025/SC-III/New Delhi.... Respondent/Complainant

For Petitioners :Mr.Niranjan S.Kumar

For Mr.J.Sitharth

Advocate.



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For Respondent : Mr.N.Mohideen Basha

Special Public Prosecutor

For Intervenor : Mr.Henri Tiphagne

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in S.C.No.709 of 2025 on the file of the V Additional District Judge, Madurai.

ORDER : The Court made the following order :-

The petitioners / Accused who were arrested and remanded to judicial custody on 01.07.2025 for the offence punishable under Sections 196(2)(a) of BNSS and subsequently it was transferred to CBI and crime number was assigned as Crime No.RC-08(s)/2025/SC-III/New Delhi for the alleged offence punishable under Sections 103(1), 61(2), 120(2), 127(2) of BNS (302 of IPC) on the file of the respondent police, seeks bail.

2. The prosecution case is that the deceased, Ajithkumar, was employed as a security guard at Badrakali Amman Temple, Madappuram. The defacto complainant, Nikitha, visited the temple on

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27.06.2025 along with her mother in their car. They approached Ajithkumar for assistance in parking the vehicle with the help of a driver and also requested him to arrange a wheelchair for her mother inside the temple. After returning from the temple, they discovered that 9 sovereigns of gold jewellery were missing. Consequently, they lodged a complaint at Tiruppuvanam Police Station. On the same day, the petitioners along with other police officials, initiated an investigation and brought Ajithkumar to Tiruppuvanam Police Station for enquiry. It is alleged that the petitioners and his team kept Ajithkumar in illegal custody, took him to various places in a police vehicle and brutally assaulted him with lethal weapons in an attempt to recover the missing chain. As a result of the severe injuries sustained during the assault, Ajithkumar succumbed to his injuries. On 28.06.2025, the 5th accused lodged a complaint at Tiruppuvanam Police Station stating that Ajithkumar had attempted to escape from custody, fell down, and died due to epilepsy, allegedly with the intention of concealing the custodial assault. Based on the said complaint, an FIR was registered in Crime No. 302 of 2025. Following a preliminary investigation, the case was formally registered. In Meanwhile, the family members of the deceased



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filed writ petitions before this Court seeking transfer of the investigation to the CBI. During the pendency of the writ petitions, the investigation was transferred to the CBI. The respondent/CBI subsequently completed the investigation and filed a charge sheet against the petitioners and other accused persons.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and have not committed any offence as alleged by the prosecution. He further contended that the petitioners have never been involved in any criminal activities and have acted strictly in accordance with the instructions of their superior officers. It was also submitted that the petitioners are ready and willing to comply with any stringent conditions that may be imposed by this Court. He further submitted that the petitioners have been in judicial custody since 01.07.2025 and hence, prayed that they be enlarged on bail.

4. The learned Special Public Prosecutor (CBI) submitted that initially five accused persons were arrayed in the FIR, and subsequently one more accused was added by the concerned police. Thereafter, the



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case was transferred to the respondent police (CBI), then four more accused were added and one of which was serving as a DSP. Thus, in total, ten accused persons are involved in the present case. It was further submitted that custodial interrogation is essential, as there is a likelihood of pressure being exerted by the petitioners along with the other accused persons involved in the case. Therefore, further investigation is required. In such circumstances, the bail application ought not to be entertained. Accordingly, he strongly opposed the grant of bail to the petitioner.

5. The learned counsel for the Intervenor submitted that, based on the complaint given by one Nikkitha J.P., the petitioners, along with certain police officials, took the said Ajith Kumar into custody without registering an FIR. The accused police had brought him to an undisclosed location and also took him to several undisclosed locations, where he was allegedly assaulted with rods and iron pipes, resulting in his death. He further submitted that the vehicle in which the victim was taken had several unregistered number plates. He further submitted that the final report states that the accused acted out of frustration to solve the theft case alleged to have happened in the temple and in such



circumstances, the conduct of the accused reveals an intention to kill the deceased, Ajith Kumar, under the guise of custodial interrogation. It was also contended that since the custodial death involves police officials, the grant of bail or anticipatory bail ought not to be considered. In support of his submissions, the learned counsel relied upon the judgment of the Hon'ble Supreme Court in *Ajay Kumar Yadav vs. The State of Uttar Pradesh & Others* in SLP (Crl.) No. 9816 of 2023, and the relevant paragraph is extracted hereunder:

“So far as the present appeal is concerned, we ought to make an exception from the general approach on the question of granting bail and adopt a stricter approach, primarily on two grounds which are in tandem with the principles applied in the case of Sandeep Kumar (supra):-

(i) The first one is that respondent No.3 is 5 part of the police force and the allegation is that of custodial death, in which he has been implicated. In cases of this nature, having regard to the overall influence a member of a police force may wield in connection with a case against them pertaining to custodial death, a stricter view is to be taken on the question of granting bail.

(ii) Secondly, the charge is under Section 302 of the Indian Penal Code and the appellant has been enlarged on



bail within 1 and ½ years of his detention. The alleged offence is of grave and serious nature and that factor has not been properly considered by the High Court.

Having regard to the contents of the chargesheet, we do not think this was a fit case where he ought to have been enlarged on bail within one and a half years of his initial detention. We, accordingly, set aside the order impugned and direct respondent No.3 to surrender before the CBI Court within a period of four weeks and once respondent No.3 surrenders, he shall be taken into custody by the concerned Court.

We make it clear that our observations, made in the earlier part of the order, purely relate to the question of grant of bail and these observations shall not in any way influence the trial. The appeal stands allowed in the above terms.”

6. Heard Mr.Niranjan S.Kumar, for Mr.J.Sitharth, the learned Counsel appearing for the petitioners, Mr.N.Mohideen Basha, the learned Special Public Prosecutor, Mr.Henri Tiphagne, the learned Counsel appearing for the Intervenor and perused the records.



7. The specific plea raised by petitioner Prabhu / accused No. 4 is that the witness 4 and 6 has stated that the other accused except Prabhu had brutally assaulted the deceased. When the petitioner Prabhu's name was not mentioned and hence it is admitted by the witness that he had not committed the said offence, consequently he is entitled to bail. The said contention cannot be accepted since the said Prabhu is part of the Special Team and he was aiding the other accused to commit the crime. Further apart from the said witness statement, other available evidence clearly indicates his involvement. Therefore, the plea put forward by Accused No. 4 is not sustainable and the same is rejected. Further, it is seen from the records that the deceased, Ajithkumar, was taken to 19 different places and subjected to third-degree methods under the guise of extracting truth. And the accused Prabhu was travelling along with the Ajithkumar to all the places. Hence, the contention of the petitioner Prabhu cannot be accepted. Accordingly, the contention raised by the petitioner Prabhu is rejected.



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8. As far as the other accused are concerned, this Court is of the considered that all the accused in the Special Team has committed the offence of brutal assault. The accused 6 was added since he had provided logistics to the crime, wherein the deceased, Ajithkumar, was taken to 19 different places.

9. After perusing the witness statement this Court is of the concerned opinion that the accused 1 to 6 have committed brutal assault, including Prabhu / accused 4 who had provided assistance to the crime and accused 6 provided had provided logistics. There is video evidence running for 31 minutes.

10. The other accused 7 to 10 who were subsequently arrayed as an accused in the supplementary final report are also involved in the said crime. It is seen that based on the orders of the DSP, the deceased was taken in the police vehicle to various places and brutally assaulted. It is pertinent to note the accused had used fake registration number plates for the police vehicle.



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11. Therefore, this Court is of the considered opinion that the accused police officials are involved in the commission of the crime, as is evident from a bare perusal of the First Information Report as well as the Final Report, Supplementary Final Report. Hence, the bail application cannot be entertained and it is liable to be dismissed, accordingly dismissed.

12. At this juncture, the learned counsel for the petitioners submitted that a specific time frame may be fixed by this Court for the completion of the Trial. Since final report and supplementary report are filed, the Trial is directed to complete the trial within a period of eight months from the date of receipt of the copy of the order.

13. For the reasons, stated supra, the Criminal Original Petition is dismissed.



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14. It is seen for the theft case separate FIR had been filed. A specific question was raised by the Court whether the investigation was over for the theft case, the prosecution stated the same is over and final report of “Closure” also filed and a copy was submitted for perusal. The report states that the jewels are old, no purchase receipt was produced and property was not recovered. The report further states that the Ajit Kumar mobile was scrutinised, the CDR file reveals that he had contacted some seven persons, who were enquired and the telephonic conversation reveals the calls were ordinary nature, necessity-based interactions having no connection with the theft of the jewellery. The temple staffs were enquired and none expressed suspicion against any individual regarding the theft. The nearby shop keepers were examined and none saw any act amounting to handling of the car with dishonest intention or any suspicious behaviour linked to the alleged theft. The CCTV and DVR system installed in the premises of the temple were examined, the entire available footage pertaining to 27.08.2025 including the camera view covering temple premises, approach paths and general movement area near the parking street was analysed and the scrutiny did not capture any suspect accessing or removing any article from the



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vehicle, no individual displaying conduct suggestive of theft was identifiable in the available angles and timings, hence the CCTV/DCR analysis has not yielded any material that can help ascertain who committed the alleged theft or point towards any suspect. The report furthermore states despite detailed investigation by CBI neither any clue is available nor investigation has pointed towards any person who might have committed the theft and the case remains untraced, hence “closure report” is filed. After perusing the final report in theft case and after hearing the submission of the prosecution, this Court is of the considered opinion that the genuineness of the theft complaint is questionable. If so, then it is unfortunate that for no cause the deceased was done to death. Had the 10 accused in custodial death case investigated with the help of CCTV / DVR system before taking the deceased Ajitkumar for custody, then the custodial death would not have happened. The Special Team had exhibited inefficiency and the very formation of such special team is without any legal sanctity. This Court with pain records the same.

(S S Y J)

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To

- 1.The learned V Additional District Judge, Madurai.
- 2.The The Special Crime-III Branch,
Central Bureau of Investigation (CBI),
GGO Complex,
New Delhi.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY,J

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