

**IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, MADURAI.**

**PRESENT: THIRU. M.THANDAVAN, B.L.,**

**(I Additional District & Sessions Judge, Madurai)**

**PRINCIPAL SESSIONS JUDGE (i/c.) MADURAI.**

**(AUTHORISED U/S.10(3) OF CR.P.C.)**

**Friday, this the 24<sup>th</sup> day of July -2020.**

**CrI.M.P.No.3435/2020 & 3436/2020.**

X.Thomas Francis, S/o.Xavier Francis ... Petitioner/Accused.  
In Crmp No.3435/2020 &3436/2020.

**Vs**

State through the Inspector of Police, ... Respondent/Complainant.

CBI P.S. FIR.RC.0502020S0008/20 In Crmp No.3435/2020.

State through the Inspector of Police, ... Respondent/Complainant.

CBI P.S. FIR.RC.0502020S0009/20 In Crmp No.3436/2020.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.T.A.Ebnezer, Advocate for the petitioner in both petitions and of Thiru.S.Vijayan, Special Public Prosecutor for CBI Cases, this court passed the following.

**Common Order**

1. Bail applications under section 438 of Cr.P.C.
2. The offences alleged are under section 302, 342, 201 r/w. 109 of IPC.
3. The defacto complainant/intervening petitioner has filed an intervening petitions and he is permitted to assist the public prosecutor.
4. Heard both sides.
5. The case of the petitioner in Cr.M.P.Nos.3435/2020 & 3436/2020 is that the petitioner was arrested on 8.7.2020 and he is in judicial custody for the past 17 days, the petitioner was working as Head Constable in Sattankulam P.S., the petitioner was worked as only Computer Operator and not other than that, the petitioner never involved in any law and order works, the petitioner did not

know anything about the deceased and he never touched the deceased, there is no enmity between the petitioner and the deceased, the custodial interrogation of the main accused was already over, the required material evidences for the prosecution case have been collected, the petitioner is falsely implicated in this case, if the petitioner is released on bail, he will co-operate for investigation. It is alleged that two persons namely Jeyaraj and his son Bennicks were arrested and remanded into Sub Jail, Kovilpatti by Sattankulam Police in Cr.No.312/2020 on 19.6.2020 for the alleged offence u/s. 188, 269, 294(b), 353 and 506(ii) of IPC, the prisoners admitted into hospital for their sickness in Government Hospital, Kovilpatti and died, hence, Kovilpatti East Police Station registered F.I.Rs. In Cr.Nos.649/2020 and 650/2020 U/s. 176(1A) of Cr.P.C. for the death of the above said two persons respectively on the complaint of Superintendent of Sub Jail, Kovilpatti on 23.6.2020, in the meantime, Hon'ble High Court took suo-moto writ petition in W.P.(MD) No.7042/2020 and issued orders time to time, based on the orders of the Hon'ble High Court, CBCID took up the investigation in Cr.Nos.649/2020 and 650/2020 on the file of Kovilpatti East Police Station and re-registered two cases as CBCID Cr.No.1/2020 (in respect of Bennicks) and Cr.No.2/2020 (in respect of Jeyaraj) both u/s. 176(1) (1-A) of Cr.pc., thereafter, CBCID altered the offences u/s. 302, 342 and 201 of IPC and arrested the petitioner and nine policemen, in fact, the above said two persons died due to their sickness, the petitioner has not committed any offence as alleged by the prosecution and prays to grant bail.

6. It is argued by the Spl. Public Prosecutor for CBI cases that the petitioners are highly influential persons, some of the persons are also yet to be arrested, the investigation is in preliminary stage, if the petitioner is released on bail, he may tamper the witnesses and evidences, since the petitioner happens to be in the police department, charge sheet has not yet been filed, there is larger conspiracy involved in this case, if the petitioner is released on bail, it would

affect the investigation. Therefore, he raised strong objection in granting bail to the petitioner in both cases.

7. In reply, it is argued on the part of petitioner that the interrogation for this petitioner has been completed, the petitioner never will tamper the witnesses and the petitioner is ready to furnish surety also and the petitioner is ready to co-operate for investigation and prays to consider the bail petitions.

8. The learned counsel for the intervene petitioner argued that the intervene petitioner Selvarani is the wife of the deceased Jeyaraj and mother of the deceased Bennicks, there were serious injuries in the bodies of the deceased persons, the deceased persons were subjected to gruesome custodial torture by the police attached to Sattankulam Police Station and were eventually murdered, considering the gravity of the case and brutally exhibited by the offenders, the Hon'ble High Court of Madras at Madurai Bench has taken suo motu cognizance of the case in Sua Motu Writ Petition (MD) No.7042/2020 and has been monitoring the investigation, the petitioner is also involved in the crime, if the petitioner is released on bail, the intervene petitioner's life has been ruined, there is no male person left in her family, and he strongly objected to grant bail to the petitioner in both cases.

9. A careful perusal of the records and the arguments of both sides indicates that the investigation is in initial stage. The learned Spl. public prosecutor for CBI Cases argued that if the petitioner is released on bail, he would tamper the witness, is also sustainable. It is obvious on the part of the CBI to arrest some other persons also, in this situation, it is not advisable to release the petitioner on bail. Considering the fact that the investigation is in preliminary stage, considering the gravity of offence and strong objection on the side of prosecution, it is held that the petitions in Cr.M.P.Nos.3435/2020 & 3436/2020 deserves to be dismissed.

10. In the result, bail petitions in Cr.M.P.Nos.3435/2020 & 3436/2020 are dismissed.

Pronounced by me in Camp Court on the 24<sup>th</sup> day of July -2020.

Sd/-M.Thandavan,  
Principal Sessions Judge (i/c.),Madurai.

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1. The Judicial Magistrate concerned.