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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.21000 of 2021

T.R.V.S.Ramesh

... Petitioner

Versus

The State Rep. by,  
The Inspector of Police,  
CBCID – North PS,  
Cuddalore.  
(Crime No.2 of 2021).

... Respondent

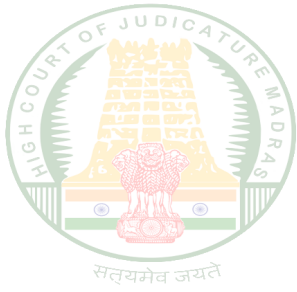
PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioner/accused on bail in Crime No.2 of 2021 pending investigation on the file of respondent Police.

For Petitioner : Mr.C.Prabhakaran

For Respondent : Mr.Hasan Mohammed Jinnah,  
State Public Prosecutor assisted by  
Mr.A.Damodaran,  
Government Advocate (Crl. Side)

For Intervenor : Mr.K.Balu

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ORDER

**WEB COPY** The petitioner/accused in Crime No.2 of 2021, for the offences punishable under Sections 147, 302 r/w 149, 341, 120(b) and 201 IPC on the file of the respondent police, seeks bail.

2.The gist of the case is that the defacto complainant G.Senthilvel, son of Govindharasu (deceased) lodged a complaint stating that his father/deceased was employed as a Labourer in M/s.T.R.V Gayathiri Cashew Company, Panruti belonging to the petitioner, for the past seven years. The deceased used to go to work at 08.00 a.m., and return back at 08.00 p.m. One week prior to the occurrence, the deceased complained to Sivasankara Boobathy and Loganathan that he is treated improperly at the work place. On 19.09.2021, at about 08.00 a.m., the deceased had gone to work, not returned back home. At about 02.25 a.m., on 20.09.2021, the defacto complainant received a phone call from his father's mobile and he was informed that his father/deceased had consumed poison and taken to the Government Hospital, Panruti, where Doctors declared him dead. On receiving the news, the defacto



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complainant informed his cousins Raghuraman and Anandraj to visit and make enquiry in the Government Hospital, Panruti. They had gone to the hospital, taken photographs of the deceased and sent the same to the defacto complainant. From the photographs received, it was seen that his father/deceased was with bleeding injuries on his left cheek, face and all over his body.

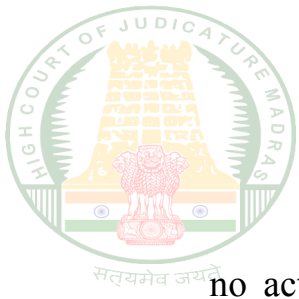
3. On 19.09.2021, the defacto complainant's father was normal and had no reason to consume poison and to commit suicide. Further, there is no explanation for the injuries found on the body of the deceased. On enquiry, the defacto complainant came to know that the petitioner, a Member of Parliament, his Personal Assistant Natarajan, Company Manager Kandhavel, his employee Allah Pichai and Vinoth assaulted his father, suspecting that he had committed theft of cashew nuts and done to death. On the complaint of the defacto complainant, a case in Crime No.562 of 2021, under Section 174 Cr.P.C., was registered by the Sub Inspector of Police, Kadampuliyur Police Station, Cuddalore. As per the order of the Direction General of Police, HoPF, Tamil Nadu, Chennai,



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dated 25.09.2021, the FIR in Crime No.562 of 2021 transferred to the file of the Inspector of Police, CBCID North Police Station, Cuddalore/respondent Police and it was renumbered as Crime No.2 of 2021. During the course of investigation, the involvement of the petitioner and other accused came to light.

4.The learned counsel for the petitioner submitted that the petitioner is an elected Member of Parliament in Cuddalore Consistency. The defacto complainant made no allegation against the petitioner initially, which is presently being made. On the intervention of the petitioner's political opponents, an exaggerated and concocted story is made against the petitioner accusing that he assaulted his employee Govindarasu/deceased suspecting theft of cashew nuts and forcibly administered poison and committed murder. Having suspicion in the manner of investigation for postmortem to be conducted by the Government Doctors at Mundiambakkam, Villupuram District, the defacto complainant and his sister sent representation to the District Collector, Cuddalore and to the Superintendent of Police, Cuddalore, but



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no action taken. Hence, he filed a petition in W.P.No.20444 of 2021 before this Court seeking direction to conduct postmortem on his father's body by the Doctors of JIPMER Hospital, Puducherry. This Court by order dated 22.09.2021 directed the Doctors of JIPMER Hospital, Puducherry to conduct postmortem.

5.The learned counsel for the petitioner further submitted that the petitioner voluntarily surrendered before the learned Judicial Magistrate No.II, Panruti on 11.10.2021 and thereafter, he was remanded to Judicial Custody. The petitioner was taken in police custody on 13.10.2021. Due to the wide publicity about the case, a group of persons assembled, conducted protest against the petitioner. Due to which, the petitioner got injured and he was produced before the Government Doctor, who recorded the injuries. During interrogation, the petitioner gave his explanation to the respondent Police on 13.10.2021 and after interrogation, the petitioner sent back to the judicial custody on the same day. In this case, A2 to A5 were arrested on 08.10.2021. Now, the major part of the investigation completed. The postmortem report reveals that



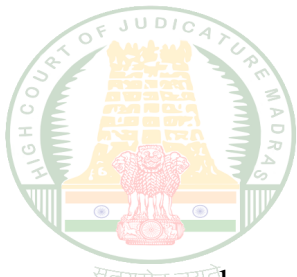
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the deceased sustained cranio cerebral injuries due to hard and blunt force impact. The chemical analysis report of the viscera detected 'Dichlorvos' and blood detected ethyl alcohol level of 161 mg. The petitioner was informed by his factory staff that the deceased had committed theft of cashew nuts in the factory premises. The petitioner reached the factory, enquired about the same, directed to produce him before the Police Station with complaint and left the factory. The petitioner was not aware what had happened thereafter. Later, the petitioner came to know that during enquiry made by the other accused, some force was used against the deceased, for which, the petitioner is not the reason. The allegation against the petitioner that the deceased was badly assaulted by him is not proper. The para Police Constable Baskar attached to Kadambuliyur Police enquired the deceased about the injuries and he informed that five or six persons assaulted him. Further, finding injuries on the deceased, the Police Constable advised to take the injured to hospital. The said para Police Constable had interaction with the deceased.



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6.The learned counsel further submitted that the petitioner is a known person and public personality. Had he involved himself in the manhandling and assault, the deceased would have definitely mentioned his name. In this case, it is not so. The political opponent taking advantage of the situation and the occurrence took place in the petitioner's factory, projected the petitioner is the reason for the death of the deceased. The local leader and rival political party, who had grudge against the petitioner, are now making bald and false allegations against the petitioner, projecting a case of suicide as a case of homicide. Further, by staging Dharna and creating attention through the press and media, wide adverse publicity were given against the petitioner. In the factory premises, where the alleged occurrence is said to have taken place is fitted with CCTV camera, the recordings collected during investigation, forwarded to the Forensic Lab. Likewise, call detail records of the petitioners and others already collected. The petitioner's staff took the deceased to Kadambuliur Police Station immediately along with the complaint, which is on record. After the deceased consumed poison, the defacto complainant was immediately informed and thereafter, the



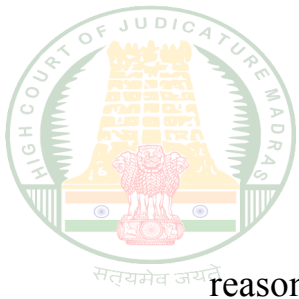
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deceased was taken to the Government Hospital, Panruti and later, his death was informed to his son without any delay. This would go to show that no steps have been taken to cover up the happenings or to cause any disappearance of evidence. The postmortem report clearly discloses the fact that there is no forcible administration of poison on the deceased. The petitioner is in confinement from 11.10.2021. The petitioner is a Member of Parliament, a public figure, residing with his family, got deep social roots and he shall cooperate with investigation and abide by any condition.

7.Now, in this case, now the substantial portion of the investigation is completed and hence, he prays for bail.

8.The learned counsel for the defacto complainant/intervenor strongly objected for grant of bail to the petitioner and submitted that the father of the defacto complainant was murdered in the factory of the petitioner. His father had several bleeding injuries all over the body. On 19.09.2021, when his father went to work, he was healthy and there is no

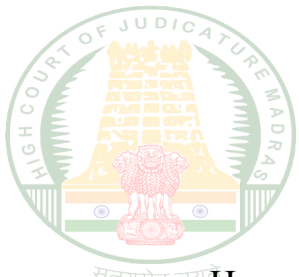




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reason for taking extreme step of committing suicide by consuming suicide. The petitioner is the owner of the factory, a responsible person to take care of the welfare of his employees and others. He further submitted that the petitioner and his employees have got no right to take law into their own hands. They had beaten the deceased with hard and blunt force. Due to which, his father sustained injuries all over the body, which is confirmed by the Police Constable, Kadambuliur Police Station, Cuddalore, who was on para duty, who refused to take his father to custody on seeing the injuries. Instead of taking his father to hospital immediately, his father was taken back to the factory and again assaulted and he was administered poison forcibly and later, succumbed to death. The injuries found on the father of the defacto complainant are recorded in the postmortem certificate and there is no explanation given for the same.

9.It is further submitted that right from the beginning, the respondent Police have not properly conducted investigation. On the other hand forced the defacto complainant not to pursue the case further.



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Hence, the defacto complainant and his sister sent representation to the District Collector, Cuddalore and to the Superintendent of Police, Cuddalore, but no action taken. Hence, he was forced to approach this Court by filing Writ Petition in W.P.No.20444 of 2021. At the instance of this Court, the postmortem was conducted by the Doctors from JIPMER Hospital, Puducherry. The postmortem report reveals the injuries sustained by the father of the defacto complainant and the cause of death was due to cranio cerebral injuries and also reveals the viscera detected 'Dichlorvos' poisonous substance. Though it was a clear case of murder, this petitioner was not arrested immediately, allowed him to surrender before the learned Judicial Magistrate No.II, Panruti on 11.10.2021. On 13.10.2021, the Police took him to custody for three hours only. During enquiry, the petitioner was not taken to the scene of occurrence. The petitioner, a Member of Parliament to set an example to society and cannot take law into his hand. The petitioner is the person behind the entire incident happened on 19.09.2021 and 20.09.2021.



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10.He further submitted that the petitioner instructed his Personal Assistant Natarajan, Factory Manager Kandhavel and other staffs to manhandle defacto complainant's father. The petitioner had also partaken in the attack, which are recorded in the CCTV recordings. Since the petitioner attacked the deceased, he is reason for the death of Govindarasu. Now he cannot make a claim that the father of the defacto complainant consumed poison and committed suicide. At the time of occurrence, the father of the defacto complainant was in custody of the petitioner and death taken place in the petitioner's factory premises.

11.The defacto complainant apprehends that no proper investigation would be conducted and it would be travesty of justice, if the petitioner is granted bail. The petitioner being the Member of Parliament and highly influential person would hamper the investigation and would tamper the evidence and threaten the witnesses. The financial power and muscle power of the petitioner is well known and the deceased hails from ordinary background. The petitioner was present during the assault. The defacto complainant's father was brought to the

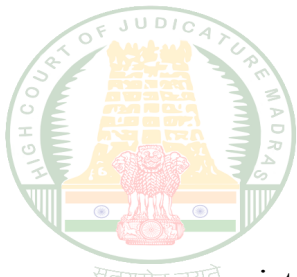


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Police Station and thereafter, on the instructions of the petitioner, he was again taken back to the factory and assault continued. The involvement of the petitioner is apparent.

12.The learned counsel further submitted that all the other accused in this case are confined in the Central Prison, Cuddalore. The petitioner alone is confined in Sub Jail, Cuddalore with all facilities. The apprehension of the defacto complainant is that the present investigating officer is not conducting investigation properly for the reason that her husband who is also an Inspector of Police attached to another wing of Police and his duty is to collect details about the VIP movements and other high dignitaries, he has acquaintance with the petitioner which would influence the investigating officer. Hence, he has strong apprehension, doubted the manner in which the investigation is conducted.

13.The learned Additional Public Prosecutor appearing for the respondent Police filed counter and submitted that in this case, immediately on receipt of the complaint of the defacto complainant, FIR



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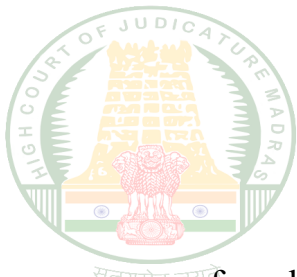
registered by the Sub Inspector of Police, Kadambuliur Police Station, Cuddalore in Crime No.562 of 2021 under Section 174 Cr.P.C., without any delay. Thereafter, the body of the defacto complainant's father produced for postmortem on 22.09.2021. After getting postmortem report, the case was transferred to the file of the respondent Police, Sections altered. During investigation, it is revealed that A4-Allah Pitchai caught the deceased red handed with 70 kgs of cashew nuts which he informed to the petitioner, owner of the factory. On the direction of the petitioner, one Kandhavel Manager of the factory and Sundarraaj reached the factory in ambassador car. The said Kandhavel enquired, slapped the deceased and caused greivous injuries. Thereafter, the petitioner reached the factory and took part in the assault. On the instructions of the petitioner, his Personal Assistant Natarajan, Vinoth and Sundarraaj took the injured to Kadambuliur Police Station, Cuddalore in a car with a written complaint. The para Police Constable on seeing the injuries on the deceased, directed them to take the injured to the hospital for treatment. At that time, the injured/deceased informed the para Police Constable that five to six persons assaulted him. Instead



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of taking him to hospital, he was taken back to the factory as per the instructions of the petitioner. Later, on the petitioner's instruction, factory Manager Kandhavel and Vinoth administered poison with alcohol brought by Kandhavel. After the death of the deceased, Natarajan, Kandhavel, Vinoth and Allah Pitchai took the deceased in a car to the Government Hospital, Panruti and left the place.

14.The Additional Public Prosecutor further submitted that the investigating officer enquired the defacto complainant and other witnesses who were present in the scene of occurrence. So far in this case, 47 witnesses are examined by the respondent Police. The hard disk and DVR containing CCTV footage were collected from five places, CDR for the mobile number used by the accused collected and enlisted as documents. The postmortem report reveals the cause of the death is due to cranio cerebral injuries sustained due to hard and blunt impact. The chemical analyst report of viscera detected poisonous substance 'Dichlorvos' and the blood detected ethyl alcohol level of 161 mg. After receiving the re-postmortem report, the involvement of the accused is

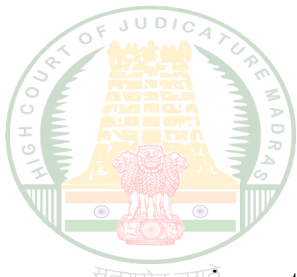


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found and Sections altered to 147, 302, 201 r/w 149, 341, 120(b) IPC.

On 08.10.2021, Kandhavel, Natarajan, Vinoth, Sundar Raj and Allah Pitchai were arrested, the car used for committing the offence seized. Thereafter, communication was sent to the Speaker of the Lob Sabha about the involvement of the petitioner in this case. In the meanwhile, on 11.10.2021, the petitioner surrendered before the Judicial Magistrate No.II, Panruti, and he was remanded to Judicial custody. Three days police custody was sought, but the lower Court granted one day custody on 13.10.2021. During enquiry, the confession of the petitioner got recorded. On 23.10.2021, the other accused Kandhavel, Natarajan, Vinoth and Sundarraj taken into Police custody, their confessions also recorded. The confessions led to recoveries in this case. Now, the case is under investigation.

15.He further submitted that on the instructions of the petitioner, the deceased was taken to Kadambuliyur Police Station along with the complaint. On the directions of this Court, the postmortem was conducted by the Doctors of JIPMER Hospital, Puducherry. The



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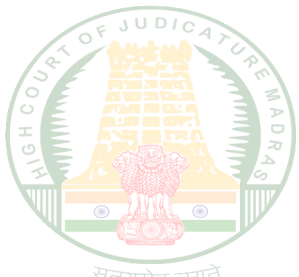
investigation is properly conducted by the respondent Police. During investigation, materials collected and statements recorded. The investigation is yet to be completed and strongly objected for grant of bail.

16.The learned Additional Public Prosecutor produced the postmortem certificate, alteration report and the order of the Director General of Police, CBCID, Chennai, dated 18.10.2021, wherein Mr.S.Sundraraj, Inspector of Police, CBCID, Villupuram is now nominated as Investigating Officer in this case.

17.This Court considered the rival submissions and perused the materials produced.

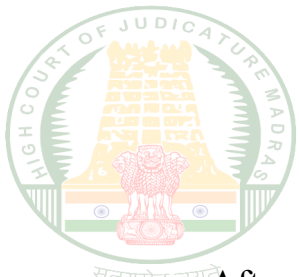
18.It is seen that the deceased was employed in the petitioner's factory for the past seven years. On 19.09.2021 as usual, he went to his work. After his work, he did not return back home. On 20.09.2021, at about 02.30 p.m., the defacto complainant was informed that his father





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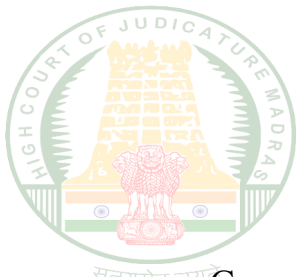
consumed poison and committed suicide. On suspicion, the defacto complainant informed his cousins to visit the Government Hospital, Panruti and to make enquiry. They found contusions and injuries all over the body of the deceased and the same was captured in their mobile and forwarded it to the defacto complainant. Thereafter, the defacto complainant lodged a complaint to the Sub Inspector of Police, Kadambuliur Police Station, Cuddalore, who registered a case in Crime No.562 of 2021, under Section 174 Cr.P.C. Despite the defacto complainant naming the accused including the petitioner, no proper investigation carried out. Gaining apprehension in the manner in which the investigation conducted, the defacto complainant sent a representation to the District Collector, Cuddalore and to the Superintendent of Police, Cuddalore. Despite the same, no action taken by them. Hence, the defacto complainant approached this Court and filed a Writ Petition in W.P.No.20444 of 2021. This Court, by order, dated 22.09.2021 considering the apprehension, directed the postmortem to be conducted by the Doctors of JIPMER Hospital, Puducherry. As per the orders of this Court, the Doctors conducted postmortem on 23.09.2021.



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After getting the postmortem report, the case in Crime No.562 of 2021 was transferred to the file of the respondent Police on the directions of the Director General of Police. Now, the case is being investigated by the respondent Police, who altered Sections to 147, 302, 201 r/w 149, 341, 120(b) IPC, arrested A2 to A5 on 08.10.2021. On 11.10.2021, the petitioner voluntarily surrendered before the learned Judicial Magistrate No.II, Panruti and he was taken to the police custody on 13.10.2021 and thereafter, the other accused were taken to police custody, their statements recorded. Now, the substantial portion of the investigation conducted awaiting for forensic report and other reports.

19.The para Police Constable of Kadambuliur Police Station, Cuddalore confirms that when the deceased was brought to the Police Station along with a complaint of theft, he enquired the deceased found injuries. Hence, not taken him to custody. He further confirms that the deceased answered to his queries and he was stable, which is confirmed by other witnesses who happens to be present in the Police Station at that time. The Police Constable directed the deceased to be taken to the



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Government Hospital. Instead the other accused took back him to factory. Thereafter, the deceased/injured was taken back to the factory, where all the accused assaulted the deceased badly and administered poison. The deceased died in the factory. The postmortem report reveals that the deceased would have died due to the cranio cerebral injuries and poisonous substance 'Dichlorvos' found in the body. The hard disk and DVR containing CCTV footage collected from five places. CDR for the mobile number used by the petitioner and the other accused already collected and the same are sent to Forensic Study.

20.The defacto complainant was informed about the death of his father by the other accused at late hours without any delay. As regards the petitioner's role is concerned, he is said to have informed about the theft of cashew nuts by the deceased in his factory and he came to the factory later. At that time, the deceased was beaten by the other accused and on the instruction of the petitioner, he was taken to Kadambuliyyur Police Station, Cuddalore. The para Police Constable, attached to Kadambuliyyur Police Station, Cuddalore refused to take the deceased



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into custody for the injuries sustained by him. The para Police Constable enquired the deceased for the injuries found, who informed the reason, which is confirmed by yet another witness, who was present there. The deceased was in a stable condition till then. Thereafter, the petitioner had left the factory, later he came back, only after receiving the message about the deteriorating health condition of the deceased.

21.Considering the facts and circumstances of the case and the substantial portion of the investigation has been completed and the petitioner voluntarily surrendered before the learned Judicial Magistrate Court No.II, Panruti, this Court is inclined to grant bail to the petitioner.

22.Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Cuddalore and on further conditions that:



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(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(b)the petitioner shall report before the respondent Police daily at 11.00 a.m., until further orders.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial.

(d)the petitioner shall not abscond either during investigation or trial.

(e)on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***.

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



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23.This Criminal Original Petition is ordered, accordingly.

19.11.2021

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Internet: Yes/No

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To

- 1.The Chief Judicial Magistrate Court,  
Cuddalore.
- 2.The Sub-Jail,  
Cuddalore.
- 3.The Inspector of Police,  
CBCID – North PS,  
Cuddalore.
- 4.The Public Prosecutor,  
High Court, Madras.



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M.NIRMAL KUMAR, J.

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