



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

Thursday, the First day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.16891 of 2017

KAUSHAL KUMAR

... PETITIONER/ACCUSED No.2

Vs

THE INSPECTOR OF POLICE,
CENTRAL BUREAU OF INVESTIGATION,
ANTI CORRUCPTION BRANCH,
SHASTRI BHAVAN,
CHENNAI -600 008.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.B.VIJAY Advocate

For Respondent : M/S.S.JAYAKUMAR,
Special Public Prosecutor for CBI cases

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.2, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 120(B) r/w.419, 420, 468 and 471 IPC r/w. 13(2) r/w. 13(1)(d) of P.C. Act, 1988, in Crime No.RC-MA1-2017-A-0031 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, who is working as Semi Skilled Labour in Ordinance Factory, Tiruchirappalli, which is coming under the Ministry of Defence, by abusing his official positions, manipulated the appointment process of Labourer (Semi-skilled), cheated and committed the offence in connivance with other unknown persons. Hence, a case has been registered against the petitioner for the offences stated above.

3.It is submitted by the learned counsel for the petitioner that the petitioner is an innocent person and he has not committed any offence and he has been falsely implicated in this case and



prays for anticipatory bail in favour of the petitioner.

4. It is submitted by the learned Special Public Prosecutor appearing for the CBI Cases that the petitioner/A2 is one of the beneficiaries in the recruitment scam and he has committed serious offences of malpractice in the Department of Defence, by abusing his official position and it is not a fit case for the grant of anticipatory bail to the petitioner and therefore, he prayed for dismissal of this Criminal Original Petition.

5. The submissions made by the learned counsel on either side are considered. It is alleged that during the time of occurrence, the petitioner had committed forgery and malpractice in the recruitment process of Semi Skilled Labourer in Ordinance Factory, Trichy. According to the prosecution, 4,390 candidates were made eligible for appearing in the written examination. The written examination was also conducted in National Institute of Technology, Trichy, on 22.05.2016. During the time of examination, Left Hand Thumb Impressions and Signatures of all appearing candidates were taken in the OMR Answer Sheet by the respective Invigilators. Thereafter, after completing the process, particularly, after issuing appointment orders to the persons, five candidates did not turn up for duty. Accordingly, the specimen Left Thumb Impression of 23 persons, who have reported for duty were collected and sent to Superintendent of Police, Finger Print, Chennai, along with Left Thumb Impressions available in the examination records of the respective candidates. The Superintendent of Police, vide his letter dated 28.02.2017, opined that the specimen Left Thumb Impression of certain persons were not identical with the Left Thumb Impression available in their examination records. It is true that as of now as per the averments made in the FIR, the active role of the petitioner has not been mentioned. However, the petitioner being placed in the responsible post and having himself participated in the process of examination, this Court is of the view that custodial interrogation alone would prove as to whether the petitioner is involved in the alleged offences or not. Hence, this Criminal Original Petition is not having any merit and same is liable to be dismissed.

Accordingly, this Criminal Original Petition is dismissed.

sd/-
01/02/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1 THE INSPECTOR OF POLICE,
CENTRAL BUREAU OF INVESTIGATION,
ANTI CORRUPTION BRANCH,
SHASTRI BHAVAN, CHENNAI -600 008.

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

ORDER
IN
CRL OP(MD) No.16891 of 2017
Date :01/02/2018

PK/RR/SAR-2/06.02.2018 : 3P/3C