

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Third day of March Two Thousand Twenty
PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION NOS.5754, 5757, 5833, 5857, 6329,
6334, 6660, 6661, 6785 and 6808 of 2020

R.RAJASEKAR [PETITIONER / ACCUSED
IN CRL.OP.NO.5754 OF 2020]

K.SRINIVASAN [PETITIONER / ACCUSED
IN CRL.OP.NO.5757 OF 2020]

JEYARANI [PETITIONER / ACCUSED
IN CRL.OP.NO.5833 OF 2020]

1 R.SIVARAJ [PETITIONER / ACCUSED
2 D.VIKKI @ VIGNESH IN CRL.OP.NO.5857 OF 2020]

R.NITHISH KUMAR [PETITIONER / ACCUSED
IN CRL.OP.NO.6329 OF 2020]

M.THIRUVEL MURUGAN [PETITIONER / ACCUSED
IN CRL.OP.NO.6334 OF 2020]

K.MANICKAVEL [PETITIONER / ACCUSED
IN CRL.OP.NO.6660 OF 2020]

V.KALYANASUNDRAM [PETITIONER / ACCUSED
IN CRL.OP.NO.6661 OF 2020]

VADIVU [PETITIONER / ACCUSED
IN CRL.OP.NO.6785 OF 2020]

K.ARUN BALAJI [PETITIONER / ACCUSED
IN CRL.OP.NO.6808 OF 2020]

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Vs

STATE REP.BY [RESPONDENT
THE DEPUTY SUPERINTENDENT OF POLICE, IN CRL.OP.NOS.5754, 5757
CBCID METRO WING-II, 5857, 6329, 6334, 6660,
EGMORE, CHENNAI-600 008. 6661 & OF 2020
CRIME NO.4 OF 2020.

STATE REP. BY [RESPONDENT
DEPUTY SUPERINTENDENT OF POLICE, IN CRL.OP.NO.5833&6785 OF 2020]
CBCID OCU-I,
EGMORE, CHENNAI-600 008.
CRIME NO.2 OF 2020

THE INSPECTOR OF POLICE [RESPONDENT
CBCID POLICE, IN CRL.OP.NO.6808 OF 2020]
EGMORE, CHENNAI.
CRIME NO.2 OF 2020

For Petitioner : M/S.P.PAUL SELVAM Advocate
[IN CRL.OP.NOS.5754 & 5757 OF 2020]

For Petitioner : M/S.V.VIJAYASHANKAR Advocate
[IN CRL.OP.NOS.5833 & 5857 OF 2020]

For Petitioner : M/S.A.M.REHAMATH ALI Advocate
[IN CRL.OP.NOS.6329, 6334, 6660 & 6661 OF 2020]

For Petitioner : M/S.E.GOVARDHANAM Advocate
[IN CRL.OP.NO.6785 OF 2020]

For Petitioner : M/S.R.VIVEKANANTHAN Advocate
[IN CRL.OP.NO.6808 OF 2020]

For Respondent : MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR
[IN ALL THE PETITIONS]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

1.The Petitioners herein, have filed these Criminal Original Petitions, under Section 439 of Cr.PC, seeking bail, for having allegedly committed the offences punishable under Sections 120A, 120B, 121, 420, 464, 465, 466, 468, 470, 471, 481, 482, 484, 485, 487 and 488, of IPC, in Cr.Nos.2 and 4 of 2020, on the file of the Respondent Police.

2.The facts of the case of the Prosecution, as per the defacto complainant T.Balasubramanian, Under Secretary, Tamil Nadu Public Service Commission, Chennai, and leading to filing of these Criminal Original Petitions, are that each of the candidates, who are the Petitioners, in Crl.OP.Nos.5754, 5757, 5857, 6329, 6334 of 2020, by cheating, forging documents and by malpractice and by unfair means and by giving huge amounts, ranging from Rs.7 to 13 lakhs, in conspiracy with the main accused, Jeyakumar, have written TNPSC Group IV examinations and got selected to plum posts. The Petitioner, in Crl.OP.No.6660 of 2020, who is a TNPSC Staff, namely, Typist, had allowed one of the accused to keep the key of the rear side

lock of the Vehicle of the ABT Parcel Service, instead of keeping the key in his possession, in order to facilitate the offence, in conspiracy with the main accused, Jeyakumar. The Petitioner, in Crl.OP.No.6661 of 2020, who is the Driver of the Vehicle of the ABT Parcel Service, had diverted the route via Sivagangai-Madurai Melur bypass road-Trichy-Chennai and colluded with the other accused, in order to facilitate the offence, in conspiracy with the main accused, Jeyakumar. The Petitioners, in Crl.OP.Nos.5833, 6785 and 6808 of 2020, by cheating, forging documents and by malpractice and by unfair means and by giving huge amounts, ranging from Rs.7 to 13 lakhs, in conspiracy with the main accused, Jeyakumar, have appeared in the TNPSC Group II Examinations and obtained the post of Assistant in various Departments of in the Tamil Nadu State Government and thereby, the Petitioners/Accused have spoiled the prospects and the dream of several youths, who have prepared for examinations with a hope to secure jobs in the Government. Hence, the Petitioners have been implicated as the accused in the cases on hand and they were arrested and are in custody. Therefore, these Criminal Original Petition have been filed by the Petitioners/Accused, seeking bail.

- 3.This court heard the learned counsel for the Petitioners and the learned Additional Public Prosecutor for the Respondent and also perused the materials placed before this Court.
- 4.The learned counsel for the Petitioners would submit that the Petitioners have not indulged in any malpractice or forgery, in writing the TNPSC Group II and IV Examinations and getting plum posts, as alleged by the Prosecution and that they have been falsely implicated in the cases on hand. He would further submit that the Petitioners were arrested and are in custody from January 2020 onwards and that their bail applications were dismissed by the lower Courts, on two occasions and that the Petitioners would abide by any conditions to be imposed by this Court for enlarging the Petitioners on bail.
- 5.Per contra, the learned Additional Public Prosecutor for the Respondent would submit that the Petitioners/Accused have appeared for TNPSC Group II and IV Examinations and by paying huge amounts and by indulging in unfair means and unfair practices, got selected to plum posts in the TNPSC and thereby, they have spoiled the dreams of several youths and that the acts of the Petitioners/Accused have cast aspersions on functioning of the Tamil Nadu Public Service Commission. He would further submit that it is a case of greater conspiracy and that the main accused are absconding and that the investigation is in a crucial stage and that if the Petitioners/Accused are let out on bail, they will interfere with the course of the investigation and in such circumstances, he would vehemently oppose to grant bail to the Petitioners.

6. On considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is of the view that it is a case of great ramification and that the Petitioners have indulged in malpractice in a larger scale and by adopting unfair means got selected to plum posts in various Departments of the Tamil Nadu and thereby, shattered the dreams of innocent job seekers, who have put in their hard work for preparing the TNPSC Examinations. Further, the investigation is at the crucial stage and the main accused are absconding. If the Petitioners/Accused are let out on bail, they will interfere with the investigation process. In such view of the matter, this Court is not inclined to grant bail to the Petitioners. Accordingly, these Criminal Original Petitions are dismissed for the present.

-sd/-
23/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE SUPERINTENDENT,
CENTRAL PRISON-II, PUZHAL.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID METRO WING-II,
EGMORE, CHENNAI-600 008.

5 THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID OCU-I, EGMORE,
CHENNAI-600 008.

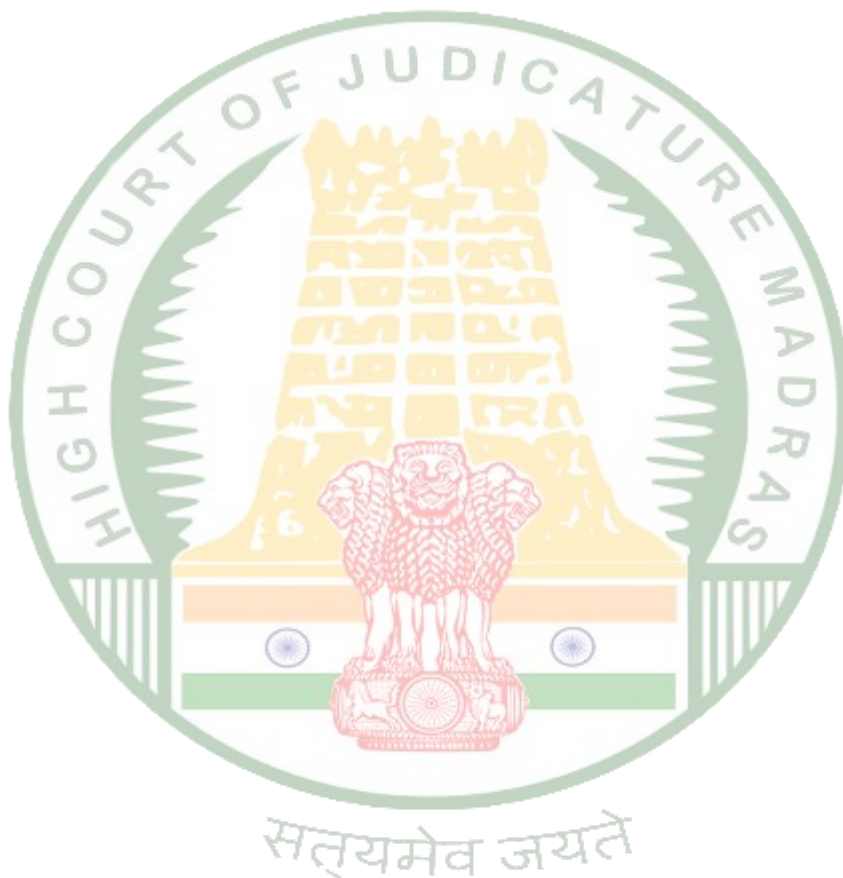
6 THE INSPECTOR OF POLICE,
CBCID POLICE,
EGMORE, CHENNAI.

+2CC to M/S.P.PAUL SELVAM Advocate on payment of necessary charges SR NO.5596

CRL.OP.NOS.5754, 5757, 5833,
5857, 6329, 6334, 6660,
6661, 6785 and 6808 of 2020

Date :23/03/2020

MK:29/07/2020



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