

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.7235 of 2020

Paneerselvam

... Petitioner

Vs

State rep.by.

The Inspector of Police,
Crime Branch CID, Metro Wing,
Chennai.

(Crime.No. 2 / 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.2 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 08.02.2020 for the offences punishable under sections 462, 468, 472 r/w 120-B of IPC in Crime No. 2 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was alleged to have been got appointment to the post of V.A.O (Village Administrative Officer) with connivance with the other accused by indulging malpractice in the competitive exam conducted by the Tamil Nadu Public Service Commission (Hereinafter referred to as TNPSC).

3. The learned counsel for the petitioner submitted that the petitioner got appointment to the post of V.A.O.(Village Administrative Officer) during the year 2017 by participating in the competitive examination conducted by TNPSC. After two years, now the petitioner was arrested in connection with the prosecution case with false allegations and was suspended from service. He further submitted that the petitioner is innocent and he has not indulged in any offence as alleged by the respondent police. Moreover, the petitioner has been incarcerated in jail for more than 65 days and till now, the respondent did not complete the investigation and did not file any charge sheet. Therefore, the petitioner is entitled to statutory bail under Section 167 (2) of Cr.P.C.

4. The learned Additional Public Prosecutor (Crl.Side) submitted that the accused persons involved in tampering the answer sheets, aided the prime accused in commission of crime and got illegal appointment of Government service. Further, the petitioner left blank in the OMR sheet for the question he did not know, and thereafter another accused person took the same OMR sheet to him and got filled the answers. He further submitted that the petitioner paid Rs.4,00,000/- to the main accused in this case, and thereby he committed a serious offence against the society. He also submitted that the investigation is still pending and therefore, he vehemently opposed for grant of bail to the petitioner.

5. Considering the above facts and circumstances of the case and the role played by the petitioner and also the fact that this Court has dismissed the bail petitions of the co-accused on various occasions, this Court is not inclined to grant bail to the petitioner and the petition stands dismissed. However, the petitioner is at liberty to approach the Magistrate Court concerned under Section 167(2) of Cr.P.C, to obtain default bail.

-sd/-

12/05/2020

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

TRUE COPY

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

TO

1 THE PRINCIPAL SESSIONS JUDGE,
CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
CRIME BRANCH CID,
METRO WING, CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

CC to M/S.R.THIRUMOORTHY Advocate on payment of necessary charges

CRL OP.7235/2020

Date :12/05/2020

RVR 29/06/2020

<https://hcservices.ecourts.gov.in/hcservices/>