

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 7236 of 2020

1.Maria Lijose Kumar
2.Shabudeen
3.Ohmkanthan

... Petitioners

Vs

State rep.by.
The Inspector of Police,
CBCID, OCU-I, Egmore,
Chennai.
(Crime.No. 2 / 2020)

... Respondent

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

For Petitioners : Mr.Prabakaran, Senior Counsel,
for Mr.S.Madhusudanan

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

O R D E R

The petitioners, who were arrested and remanded to judicial custody on 24.01.2020 for the offences punishable under sections 465, 468, 471 r/w 120(B) IPC @ 409, 420, 465, 468, 471 R/w 120(B) of I.P.C., in Crime No. 2 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the respondent police registered a case based on the complaint preferred by the defacto complainant, namely T.Balasubramanian, Under Secretary, Tamil Nadu Public Service Commission, Chennai, for the alleged offence under sections 465, 468, 471 r/w 120(B) IPC @ 409, 420, 465, 468, 471 R/w 120(B) of I.P.C. It is alleged in the FIR that the petitioners fabricated the documents and forged the signature of the Government officials, in conspiracy with other accused persons for obtaining illegal gain by way of tampering the examination documents, OMR sheets in connection with the examination conducted by the Tamil Nadu Public Service Commission (hereinafter referred to as TNPSC).

3. The learned counsel for the petitioners submitted that the petitioners were not involved in the offence as alleged by the prosecution and they were not government employees and have nothing to do with the case registered by the respondent police. The

petitioners were falsely implicated in the present case and they were in prison from 24.01.2020, and also some of the co-accused persons were released on bail by the learned Principal Sessions Judge, Chennai. He further submits that respondent police has not filed any final report or charge sheet even after the statutory period of 60 days, and the petitioners were in judicial custody for the past 107 days. Hence, he sought for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor (Crl.Side) submitted that the petitioners involved in committing the offence by fabricating documents, forged the signature, tampering the answer sheets and aided the prime accused in commission of crime. Thereby, they committed a serious offence against the society. He further submitted that as far as A3 is concerned, he is a contract driver. The petitioners, who were aware of the entire movement of the answer sheets, handed over the OMR sheets to the respective candidates, got filled the OMR sheets and restored the same in their respective places. He also submitted that the investigation is still pending and therefore, he vehemently opposed for grant of bail to the petitioners.

5. It is seen that the petitioners are the accused in the scam of Group IV and Group II-A examination conducted by the TNPSC, by fabricating the documents and forged the signature of Government officials and tampering the examination sheets. Thereby, they committed serious offence against the society and as such, this Court has dismissed the bail petitions of the co-accused on various occasions. Therefore, this Court is not inclined to grant bail to the petitioners and hence, the petition stands dismissed. However, the petitioners are 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.

WEB COPY

TO

1 THE PRINCIPAL SESSIONS JUDGE,
CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CRIME BRANCH CID, OCU-I, EGMORE,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI

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

CRL OP.7236/2020

Date :12/05/2020

RVR 29/06/2020



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