

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.7303 of 2020

J.Sampath

... Petitioner

Vs

State rep.by.

The Deputy Superintendent of Police,
CBCID, Metro Wing-II, Egmore,
Chennai.

(Crime.No. 4 / 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail pending investigation in Crime No.4 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.Paulselvam

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 07.02.2020, for the offences punishable under sections 120-A, 120-B, 121 of I.P.C. read with Section 464, 466, 468, 470, 471, 481, 482, 484, 485, 487, 488 and 420, 465 of I.P.C., and the same was altered as 120-B, 420, 465, 468 and 471 of I.P.C., in Crime No.4 of 2020 on the file of the respondent police, seeks 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 120-A, 120-B, 121 of I.P.C. read with Section 464, 466, 468, 470, 471, 481, 482, 484, 485, 487, 488 and 420, 465 of I.P.C., and the same was altered as 120-B, 420, 465, 468 and 471 of I.P.C. It is alleged in the FIR that the petitioner fabricated the documents and forged the signature of the Government officials, in conspiracy with other accused persons with a view to obtain 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 petitioner submitted that the petitioner's wife Mrs.Sudha Devi was arrested by the respondent and only out of threatening given by the respondent, the petitioner voluntarily surrendered on 07.02.2020, before the learned Judicial

Magistrate at Alandur and remanded to judicial custody on the same day. Thereafter, the petitioner's wife was released on bail by the learned Principal Sessions Judge, Chennai. He also submitted that the petitioner was not involved in the offence as alleged by the prosecution and he was falsely implicated in the present case and he was in prison from 07.02.2020, 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 petitioner was in judicial custody for the past 94 days. Hence, he sought for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor (Crl.Side) submitted that the petitioner 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, he committed a serious offence against the society. He further submitted that the petitioner is one of the close associates of the main accused, namely Jayakumar in crime No.2 of 2020 relating to the same kind of TNPSC scam. He also submitted that the investigation is still pending and therefore, he vehemently opposed the grant of bail to the petitioner.

5. It is seen that the petitioner is one of the accused in the scam of Group IV examination conducted by the TNPSC, by fabricating the documents and forged the signature of Government officials and tampering the examination sheets. Thereby, he 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 petitioner and hence, 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

सत्यमेव जयते

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

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TRUE COPY

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

TO

1 THE PRINCIPAL SESSIONS JUDGE,
CHENNAI

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

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

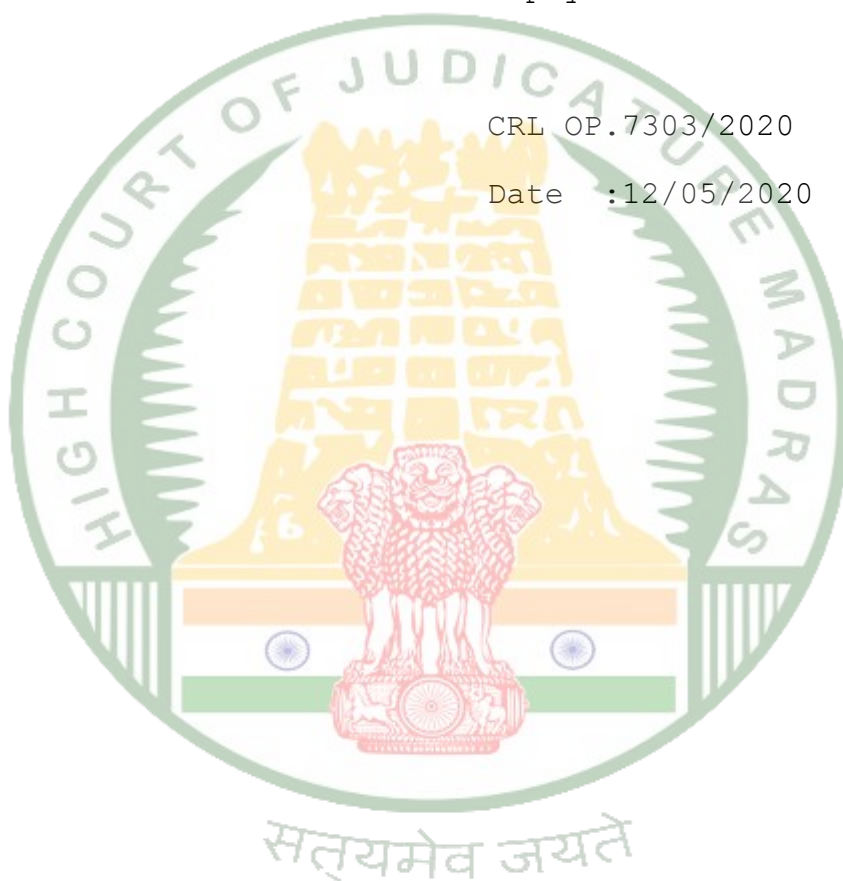
4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

CC to M/S.P.PAUL SELVAM Advocate on payment of necessary
charges

CRL OP.7303/2020

Date :12/05/2020

RVR 29/06/2020



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