

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.7586 of 2020

Appu @ Prabhakaran

..Petitioner/Accused
(rank not known)

/vs/

State rep.by
The Inspector of Police,
CBCID -OCU-I, Egmore,
Chennai 600008.
(Crime No.2/2020)

..Respondent/complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the Petitioner/Accused on bail in Crime Number No. 2 / 2020 on the file of the Inspector of Police, CBCID OCU-I, Egmore, Chennai.

For Petitioner : Mr.P.Paul Selvam

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

O R D E R

The petitioner, who was formerly arrested on 06.03.2020 for the offence punishable under Sections 465, 468, 471,120B of IPC and altered to Sections 409,420,465,468,471 read with 120B 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 based on the allegation reported by the media in respect of the written examination held at Rameswaram Centre in respect of the recruitment to the posts included in CCSE-IIA(Group IIA service), which was held 06.08.2017, a thorough analysis of the answer pattern of the 42 candidates, who had secured the top positions in the rank list and who had written the examination at Rameswaram Centre at Ramanathapuram District, was done. Thereafter, present case was registered by the respondent police.

3. The learned counsel for the petitioner submitted that the petitioner has never committed or involved in any offence as alleged by the prosecution. He further submitted that the petitioner surrendered on 14.02.2020 in connection with another crime in Cr.No.4 of 2020. As such, the statutory period for filing of charge sheet was going to end. At that time, in order to retain the petitioner to continue him in judicial custody, his name has

been falsely implicated in this case and his name has been implicated in two other cases and interrogation was completed in that cases. He is in prison for the past 79 days. Hence, he sought for bail to the petitioner.

4.The learned Additional Public Prosecutor (CrI.side) submitted that the accused persons involved in committing the offence by fabricating documents, forging the signature and tampering with the answer sheets. This petitioner aided the prime accused in commission of crime. Thereby, they committed a serious offence as against the society. He further submitted that this petitioner is concerned, he assisted the main accused for shading the OMR sheets and received some amount as a commission from the main accused. He further submitted that the accused persons, 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 further submitted that some accused yet to be arrested and that the investigation is still pending and therefore, he vehemently opposed for grant of bail to the petitioner.

5.It is seen that the petitioner and the other accused persons are the accused in the scam of Group IV and Group II-A examination conducted by TNPSC and they fabricated the documents, forged the signature of Government officials and tampered with the examination sheets. Thereby they committed serious offences 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/-
14/05/2020

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,
CITY CIVIL COURT, CHENNAI.

2 THE METROPOLITAN MAGISTRATE NO.XI,
SAIDAPET, CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
CBCID METOR WING-II,
EGMORE, CHENNAI-600 008

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

CRL OP.7586/2020

Date :14/05/2020

MK:13/07/2020