

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 24.06.2020**

**CORAM**

**THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA**

Crl. O.P. No. 7715 of 2020

Iyappan @ Kannan

... Petitioner

-VS-

State rep.

By its Deputy Superintendent of Police,  
CBCID, OCU-I,  
Egmore, Chennai – 600 008.

... Respondent

**PRAYER:-** Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the Petitioner on bail in Crime No. CBCID, OCU-I-Crime No. 02 of 2020 on the file of the Respondent Police, CBCID, OCU-I Egmore.

For Petitioner : Mr. T. Annamalai

For Respondent : Mr. K. Prabakar  
Additional Public Prosecutor

**ORDER**

The Petitioner, who was arrested and remanded to judicial custody on 21.02.2020 in Crime No. OCU-I, Cr. No. 2 of 2020, which was registered by the Respondent for the offence punishable under Sections 409, 420, 465, 468, 471 r/w 120(B) of the Indian Penal Code, 1860, seeks bail.

2.The ground raised by the learned counsel for the Petitioner is that the Petitioner was arrested on 21.02.2020 and till date final report has not been filed by the Respondent Police, despite the lapse of 124 days and thereby the Petitioner is entitled for bail by default as contemplated under Section 167(2) Cr.PC. The learned counsel for the Petitioner would submit that the Petitioner is prepared to furnish adequate securities for his release on bail.

3.The learned Additional Public Prosecutor would vehemently oppose stating that the Petitioner is an accused in the TNPSC scam. The Petitioner and other accused conspired together and committed fraud by tampering of records in the selection process in Group IV examination conducted by the Tamil Nadu Public Service Commission. He would submit that the investigation is pending, final report has not been filed and would oppose for grant of bail.

4.Heard both sides.

5.The petitioner was arrested on 21.02.2020 and he is in incarceration for 124 days. The Respondent Police have not filed final report till date. As per

mandate of Section 167(2) Cr.PC, the Petitioner is entitled to mandatory bail.

6. The Hon'ble Supreme Court in **Crl. A. No. 452 of 2020 dated 19.06.2020** in the case of ***S.Kasi v. State through the Inspector of Police, Samaynallur Police Station, Madurai District*** while referring to the earlier decisions regarding default bail has held hereunder:

*“14.The scheme of Code of Criminal Procedure as noticed above clearly delineates that provisions of Section 167 of Code of Criminal Procedure gives due regard to the personal liberty of a person. Without submission of charge sheet within 60days or 90days as may be applicable, an accused cannot be detained by the Police. The provision gives due recognition to the personal liberty”.*

7.In view of the above, the Petitioner is directed to be released on bail subject to the following conditions:

(a) Accordingly, the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the Petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned XI Metropolitan Magistrate,

Saidapet within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the Petitioner shall report before the Respondent Police as and when required for interrogation.

(e) the Petitioner has to furnish the correct permanent address as well as temporary address at Chennai along with mobile number to the Investigating Officer and to the concerned Court.

(f) the Petitioner shall not commit any offences of similar nature;

(g) the Petitioner shall not abscond either during investigation or trial;

(h) the Petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the

Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala* [(2005)AIR SCW 5560];

(j) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

24.06.2020

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Index: Yes/No

Internet: Yes/No

Speaking order/Non-speaking order

To

1. The Deputy Superintendent of Police,  
CBCID, OCU-I,  
Egmore, Chennai – 600 008.

2. The Additional Public Prosecutor,  
Madras High Court,  
Chennai – 600 104.

3. The XI Metropolitan Magistrate,  
Saidapet,  
Chennai.

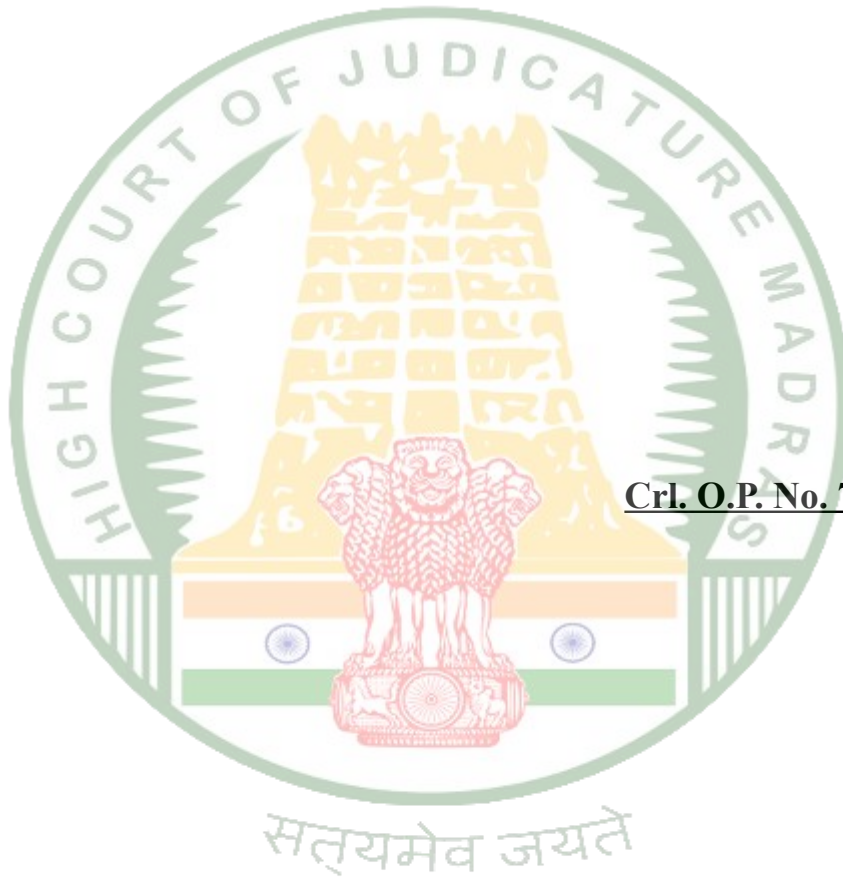
4. The Superintendent of Prison,  
Central Prison,  
Puzhal,  
Chennai.



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**A.D. JAGADISH CHANDIRA, J.**

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