



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

MONDAY, THE 9TH DAY OF OCTOBER 2023 / 17TH ASWINA, 1945

BAIL APPL. NO. 8156 OF 2023

CRIME NO.906/2023 OF CANTONMENT POLICE STATION,

THIRUVANANTHAPURAM

PETITIONER/ACCUSED:

AMITH, AGED 29 YEARS

BY ADVS.

T.A.UNNIKRISHNAN

K.K.AKHIL

T. SREELAKSHMI UNNIKRISHNAN

RESPONDENT/COMPLAINANT & STATE:

STATE OF KERALA

REPRESENTED BY PUBLIC PROSECUTOR,

HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031

SRI.P.G.MANU (MAMMALASSRY) SR. PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
06.10.2023, THE COURT ON 09.10.2023 DELIVERED THE FOLLOWING:



MOHAMMED NIAS C.P.J

.....

BA No.8156 of 2023

.....

Dated this the 9th day of October, 2023

ORDER

This is an application filed under Section 439 of the Code of Criminal Procedure, seeking regular bail.

2. The petitioner is the first accused in Crime No.906 of 2023 of Cantonment East Police Station, Thiruvananthapuram District, for having committed offences punishable under Sections 120B, 406, 419, 420, 465, 468, 471 of IPC and Section 66(C) and 66(D) of the IT Act.

3. The prosecution case is that accused Nos.2 and 3, with intent to obtain a job for A2, had conspired and on 20.08.2023 between 10.00 p.m. and 11.30 p.m., in the VSSC Tenchnican-B(Fitter) examination conducted at St.Joseph School near General Hospital, A1 by pretending to be A2 had secretly used the mobile phone and other electronic devices and entered the exam hall on behalf of A2 with his hall ticket and other supporting documents and wrote the exam, thereby cheated



the VSSC and other candidates, and thereby committed the above offence.

4. The learned counsel appearing for the petitioner and the learned Public Prosecutor were heard.

5. The learned counsel appearing for the petitioner would say that the petitioner is innocent and falsely implicated. At any rate, he points out that the petitioner is in custody since 22/08/2023, and continued incarceration of the petitioner is not required and that the petitioner has no criminal antecedents. Learned counsel for the petitioner submits that the allegations against him were false. He submits that the petitioner is employed in the Army and was on leave, and had accompanied his friend who was to appear for the examination. while he was resting in the hotel, he was arrested on a wrong impression.

6. Learned Public Prosecutor filed a report opposing the bail application, pointing out that the investigation revealed the presence of the petitioner in the hall. The occupancy register of the hotel also showed the same. The report submitted by the prosecution clearly shows that the teacher who was on invigilation duty in the hall where the first accused wrote the examination impersonating the second



accused had identified the accused. The owner of the hotel where the petitioner resided had also identified the accused. There is evidence at least *prima facie* to show that the petitioner has entered the examination hall, taken the hall ticket and related documents of the second accused and wrote the examination on behalf of the second accused, clearly pointing to his culpability. Similar crimes registered at the Museum Police Station and Medical College Police Station are also been investigated, and electronic devices and mobile phones seized from the accused are sent for scientific examination. The prosecution also raises an apprehension that the accused, being from another State, will abscond and obstruct the proceedings in investigation and trial.

7. Upon consideration of the rival submissions, it is crystal clear that the crime alleged to have been committed by the petitioner is a very serious one of trying to get employment by rigging the examination of a strategic organization like VSSC, which affects the entire candidates who wrote the examination, the organisation and the credibility of the selection process itself. Impersonating in a competitive examination like one conducted by the VSSC has to be dealt with sternly. Fraudulent practices to gain public employment cannot be countenanced by a Court of law. All the stakeholders are



hoodwinked by manipulating and corrupting the selection process of a premier organisation in the Country, which all are proud of.

8. That apart, since all the accused involved in this case are to be identified and apprehended, granting bail to the first accused would certainly hamper the investigation and help the other accused escape. I also take note of the apprehension raised by the prosecution that the petitioner, being from another State, may abscond and obstruct the investigation and the trial. Under such circumstances, for the reasons mentioned above, I am not inclined to grant bail to the petitioner.

The bail application is dismissed.

Sd/-

MOHAMMED NIAS C.P.

JUDGE



APPENDIX OF BAIL APPL. 8156/2023

PETITIONER'S ANNEXURES

Annexure I CERTIFIED COPY THE ORDER DATED 12/09/2023
IN C.MP.NO.4351/2023 OF THE JUDICIAL FIRST
CLASS MAGISTRATE-III, THIRUVANANTHAPURAM