

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11613 of 2023

Applicant :- Raja Mohan

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Ram Prakash Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Ram Prakash Upadhyay, learned counsel for the applicant, Sri V.K.S. Parmar, learned A.G.A. for the State and perused the material placed on record.
3. The present application for anticipatory bail has been filed for anticipatory bail in Case Crime No.46 of 2023, under Sections 419, 420, 467, 468, 471 I.P.C. and 6/10 UP Public Examination Act, 1998, Police Station Nai Ki Mandi, District Agra, during the pendency of trial.
4. As per prosecution story, co-accused person Vishal alongwith other persons were arrested involved in unfair means by the invigilator team and police on 27.6.2023 and it was found that co-accused Vishal was appearing in the examination of Village Development Officer conducted by UPSSC on behalf of the applicant.
5. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case. He has nothing to do with the said offence. The case of the applicant is made out as he had not directed any person to appear on his behalf in the said examination. Learned counsel has stated that the applicant has no criminal history to his credit. The applicant has apprehension of his arrest. Learned counsel has stated that the applicant undertakes that he has co-operated in the investigation and is ready to do so in trial also failing which the State can move appropriate application for cancellation of anticipatory bail.
6. Per contra, learned AGA has vehemently opposed the anticipatory bail application on the ground that nobody would know the name and details of the applicant and appear in the

examination on his behalf. The applicant cannot be found to be innocent, as such, he is not entitled for anticipatory bail.

7. After hearing learned counsel for the applicant as well as learned A.G.A. and taking into consideration that it was the applicant on whose behalf the co-accused Vishal was appearing in the said examination, I do not find it a fit case for grant of anticipatory bail to the applicant.

8. The present anticipatory bail application is hereby found devoid of merits and is accordingly ***rejected***.

9. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of anticipatory bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 28.10.2023

Vikas

[Krishan Pahal, J.]