Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 12240 of 2023

Applicant :- Arvind Vind
Opposite Party :- State of U.P. and Another
Counsel for Applicant :- Amar Bahadur Maurya,Ajit Pratap Kushwaha
Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.

2. Heard Sri Amar Bahadur Maurya, learned counsel for the applicant, Sri Ashutosh Srivastava, 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.31 of 2023, under Sections 419, 420, 467, 468, 471 IPC and 3/6/9/10 U.P. Public Examination Act, 1998, Police Station Nonahara, District Ghazipur, during the pendency of trial.

4. As per prosecution story, several students were found impersonating other students in the U.P. Intermediate Examination, 2023. The co-accused person Aditya Bind is stated to have been arrested by the police alongwith other persons impersonating the applicant.

5. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case. His name has come up in the confessional statement of the arrested co-accused person Aditya Bind. The applicant has nothing to do with the said offence. Learned counsel has further stated that the applicant had not directed him to appear in his place. Learned counsel has also placed reliance on annexure no.3 filed with the affidavit accompanying the anticipatory bail application, whereby on the date of occurrence, the applicant was working as a JCB operator at Bharuch, Gujarat. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length. There are no criminal antecedents of the applicant.

6. Per contra, learned A.G.A. has opposed the anticipatory bail application on the ground that the present case is open and shut case as why another person would impersonate him and appear in the examination.

7. After hearing learned counsel for the parties and taking into consideration the fact that the applicant is the main accused person, I do not find it a fit case for grant of anticipatory bail to the applicant. The present anticipatory bail application is hereby found devoid of merits and is accordingly **rejected**.

8. 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 :- 7.11.2023
Ravi Kant

(Krishan Pahal, J.)

Digitally signed by :-
RAVI KANT
High Court of Judicature at Allahabad