

Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 13392 of 2023

Applicant :- Alok Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Suvansit Kumar Jaiswal, Himanshu Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava, J.

1. This application has been moved on behalf of the applicant - **Alok Singh** seeking anticipatory bail in Case Crime No.492 of 2023, under Sections 419, 420, 467, 468, 471 IPC, Police Station Kotwali, District Ballia.
2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
3. The present applicant got selected as class IV employee on the basis of examination conducted by the High Court, Allahabad and he got his appointment at District Court, Ballia. When the appointing authority made a surprise inspection to check the genuineness of the candidates, who had joined there, a difference in photograph of the present applicant from the record was found and the present applicant did not appear before the appointing authority when he was called for verification. When it was found that the applicant is not that candidate, who appeared in the examination conducted by the High Court, an F.I.R. was lodged on 8.9.2023 and investigation started, which is going on.
4. It is submitted by the learned counsel for the applicant that the applicant is innocent and he has apprehension of his arrest in the above-mentioned case, whereas there is no credible evidence against him. Allegations levelled against the applicant are false. He has been falsely roped in this matter. It is further submitted that all the documents including the photograph of the applicant were verified earlier and on the basis of verification report, appointment letter was given to the applicant and he joined resultantly. It is also submitted that no objection was ever raised at any level that the applicant is not the same person who had appeared in the examination conducted by the High Court. It is also submitted that

the applicant is the same person who had appeared in the examination and joined the service subsequently. It is also submitted that as a matter of fact, the applicant has already sent his resignation letter to the District Judge, Ballia on account of family problem on 7.9.2023. It is also submitted that the essential ingredients to constitute the offence under section 467 IPC are lacking in this matter from the allegations contained in the F.I.R. and as such applicant is entitled for anticipatory bail.

5. Per contra, learned A.G.A. vehemently opposed the prayer for anticipatory bail and submitted that the record is available with him and on the basis of the record it is found that there are two different persons, one who appeared in the examination and the other who joined the service i.e. the present applicant and in that way a fraud has been committed with the High Court itself.

6. In **Sushila Aggarwal and others vs. State (NCT of Delhi) and another, (2020) 5 SCC 1**, the Hon'ble Apex Court has held that while considering an application for grant of anticipatory bail, the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence including intimidating witnesses, likelihood of fleeing justice, such as leaving the country, etc. It has further been held that Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion.

7. Hence, considering the settled principles of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicant and all attending facts and circumstances of the case, without expressing any opinion of the merits of the case, in my view, it is not a fit case for grant of anticipatory bail to the applicant. The prayer made in the application is refused.

8. The anticipatory bail application is **rejected**.

Order Date :- 5.12.2023

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