

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3866 of 2023

Applicant :- Keshwanand

Opposite Party :- State Of U.P. Thru. Secy. Civil Sectt. Home Lko.

Counsel for Applicant :- Rashmi Singh, Ramakar Shukla, Sandeep Tewari, Santosh Kumar Yadav, Vishal Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Santosh Kumar Yadav, the learned counsel for the applicant as well as Smt. Poonam Gupta, the learned A.G.A. for the State and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 14 of 2023, under Section 115, 419, 420, 467, 468, 471, 120-B I.P.C., registered at Police Station Vikas Nagar, District Lucknow (North Commissionerate).

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 18.01.2023 against two named persons, including the applicant, stating that in place of the applicant, some other person was writing the question paper during an examination held for making selection by the Subordinate Service Commission.

4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent, he has falsely been implicated in the present case and he has no criminal history.

5. By means of an order dated 21.03.2023, the State was granted two weeks' time for filing a counter affidavit but no counter affidavit has been filed till date. The learned counsel for the applicant has submitted that even the charges have not been framed by the trial court till date.

6. The learned counsel for the applicant has further submitted that co-accused Amit Kumar, has already been granted bail by means of an order dated 14.09.2023 passed by this Court in Criminal Misc. Bail Application No.2476 of

2023.

7. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has no criminal history and he is languishing in jail since 18.01.2023 without even the charges having been framed till date and without making any observations which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail.

9. Accordingly, this bail application stands **allowed**.

10. Let the applicant- **Keshwanand** be released on bail in the aforesaid case, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the following conditions: -

(i) the applicant shall not tamper with the prosecution evidence;

(ii) the applicant shall not pressurize the prosecution witnesses;

(iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi,J.

Order Date :- 26.10.2023

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