

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2237 of 2023

Applicant :- Smt. Bhuvnesh @ Bhuvnesh

Opposite Party :- State Of U.P. Thru. Addl. Secy. Deptt. Home Civil Sectt. Lko
And Another

Counsel for Applicant :- Pradeep Chandola, Abhishek Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Abhishek Dwivedi, the learned counsel for the applicant as well as Sri Jayant Singh Tomar, learned A.G.A.-I appearing on behalf of the State and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 411 of 2020, under Sections 406, 419, 420, 467, 468, 471 I.P.C., registered at Police Station Kotwali City, District Hardoi.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 07.08.2020 against 14 persons, including the applicant, alleging that the accused persons had obtained employment on the basis of forged TET certificate.
4. The applicant was appointed on the post of Assistant Teacher in Government Primary School on 21.09.2015 and her services were terminated by means of an order dated 04.05.2016 stating that during verification from the data available on the website of U.P. High School and Intermediate Education Board, the applicant's TET marksheet/ certificate details were not found on the website.
5. Two similarly situate co-accused persons Kaushlendra Yadav and Arun Sharma have filed Writ Petitions No. 14853(M/B) of 2020 and 21023 (M/B) of 2020 and by means of orders dated 10.09.2020 and 18.11.2020 passed in those writ petitions, the arrest of those co-accused persons was stayed till filing of a police report.
6. In the affidavit filed in support of the anticipatory bail application it has been contended that the applicant is innocent, she has falsely been implicated in the present case and she has no criminal history.
7. The learned counsel for the applicant has submitted that the TET examination in case of the applicant was conducted by the Board of High School and Intermediate Education U.P. Allahabad and it appears that the applicant's TET certificate has not been verified from the records of Board of High school and Intermediate Education, UP.

8. Three co-accused persons, namely, Upendra Singh, Jitendra Singh & Ravindra Singh have been granted anticipatory bail by means of orders dated 20.09.2023, 27.09.2023 & 27.09.2023 passed by this Court in Criminal Misc. Anticipatory Bail Application Nos. 2018 of 2023, 2119 of 2023 & 2123 of 2023 respectively.

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

10. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant was appointed as an assistant teacher on 21.09.2015 and his services have been terminated on 05.05.2016; that the F.I.R has been lodged on 07.08.2020; having been terminated, the applicant does not appear to be in a position to tamper with the evidence and influence any witnesses and that the applicant has no criminal history and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

11. In view of the above, the anticipatory bail application of the applicants is **allowed**. In the event of arrest/ appearance of applicant-**Smt. Bhuvnesh @ Bhuvnesh** before the learned Trial Court in the aforesaid case crime, she shall be released on anticipatory bail on her furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness.

Order Date :- 7.11.2023

Pradeep/-