Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 2278 of 2023
Applicant :- Pradeep Kumar
Opposite Party :- State Of U.P Thru. Prin. Secy. Home Govt. Civil Secrt. Lko.
Counsel for Applicant :- Surya Narayan Mishra
Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Surya Narayan Mishra, the learned counsel for the applicant, Sri Jayant Singh Tomar, the learned AGA-I for the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in Case Crime No. 85 of 2021, under Sections 419/420/467/468/471 IPC, Police Station Kotwali Nagar, District Balrampur.

3. The aforesaid case has been registered on the basis of an FIR lodged on 01.04.2021 against 92 persons, including the applicant, alleging that the accused persons secured appointment on the post of Assistant Teachers in schools under U.P. Basic Shiksha Parishad, on the basis of forged documents. The applicant had joined on the post on 29.08.2016 and his service has been terminated on 27.10.2016

4. The applicant has directly approached this Court without first filing anticipatory bail application before the Sessions Judge and the reason given is that anticipatory bail of a co-accused person has been rejected by the sessions court and similarly situate persons, namely, Mohammad Iqbal Khan and Firoz Jahan, have been granted anticipatory bail by means of an order dated 25.07.2023 and 21.09.2023 passed in Criminal Misc. Anticipatory Bail Applications No. 993 of 2023 and 2057 of 2023, respectively.

5. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant's service has already been terminated in the year 2016; that the applicant has no criminal history and that the similarly

situate persons have already been granted anticipatory bail, I am of the view that the applicant is also entitled to be granted anticipatory bail in the present case on the ground of parity.

6. In view of the above, the anticipatory bail application of the applicant is allowed. In the event of arrest/ appearance of applicant- **Pradeep Kumar** before the learned Trial Court in the aforesaid complaint case, he shall be released on anticipatory bail on his 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.

(Subhash Vidyarthi, J.)

Order Date :- 18.10.2023
Preeti.

Digitally signed by :-
PREETI GAUTAM
High Court of Judicature at Allahabad,
Lucknow Bench