

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13197
of 2023

Applicant :- Rambharos Gupta

Opposite Party :- State Of U.P Thru. Prin. Secy. Home Deptt.
Lko.

Counsel for Applicant :- Faizal Hashmi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Faizal Hashmi, the learned counsel for the applicant as well as Sri Shaunak Singh, the learned Additional Government Advocate 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.93 of 2021 under Sections 419, 420, 467, 468, 471 IPC, Police Station Gudamba, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 25.02.2021 against the applicant and one Ram Bharose alleging that during physical fitness test being conducted as a part of process for selection of Excise Constables, it was found that the applicant was running in place of 'Ram Bharose Gupta' carrying an Aadhar Card of Ram Bharose Gupta, on which photograph of the applicant was affixed and the applicant stated that he was younger brother of Ram Bharose Gupta.
4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is innocent, he has no criminal history and he has falsely been implicated in the present case.
5. Co-accused Deepu Saroj @ Dileep Kumar has been granted bail by means of an order dated 19.01.2022 passed by this Court in Criminal Misc. Bail Application No. 8552 of 2021.
6. The learned A.G.A. has opposed the prayer for bail and has submitted that investigation is going on, and at this stage, grant of anticipatory bail to the applicant will adversely affect the investigation.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the other co-accused person has already been granted bail in the present case; that the applicant has no previous criminal history and he is languishing in jail since 29.08.2022 and without making any observation, 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 in the aforesaid crime.

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

9. Let the applicant-***Rambharos Gupta*** 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 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.

Order Date :- 7.11.2023

Pradeep/-