Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 2609 of 2023

Applicant :- Pawan Kumar
Opposite Party :- State Of U.P Thru. Cbi/Acb Lko.
Counsel for Applicant :- Pradeep Kumar Rai,Avi Mukteshwar Nath Singh,Prakarsh Pandey,Praveen Kumar Shukla
Counsel for Opposite Party :- Anurag Kumar Singh

Hon'ble Subhash Vidyarthi,J.

1. Heard the learned counsel for the applicant as well as Sri Dharmendra Pratap Singh, holding brief of Shri Anurag Kumar Singh, the learned counsel for the respondents 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.02 of 2016, R.C. No. RC0062014A0025, under Sections 120-B, 419 and 420 I.P.C., registered at Police Station - CBI/ACB/Lucknow, District - Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.08.2014 against 29 named persons, not including the applicant and some unknown persons, stating that an examination for making selections to 'Group - D' posts in Indian Railways, some imposters had appeared for some candidates.

4. The applicant's name is not mentioned in the chargesheet or supplementary chargesheet and his name has surfaced in the second supplementary chargesheet stating that in his place, one Ajai Paswan, impersonator had appeared in the written examination.

5. In the affidavit filed in support of the anticipatory bail-application, it has been stated that the applicant is innocent and he has no criminal history.

6. Learned counsel for the applicant has submitted that the applicant had cooperated with the investigation and thereafter a chargesheet has been filed.

7. The learned A.G.A. has opposed the prayer for 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 examination in question was held in the year 2012-13; the FIR was filed on 28.08.2014 and the applicant's name has come to light in the second supplementary chargesheet, submitted on 29.06.2022; that at this face, the trial may take take decades to conclude; 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.

9. In view of the above, the anticipatory bail application of the applicant is ***allowed***. In the event of arrest/ appearance of applicant- ***Pawan Kumar*** before the learned Trial Court in the aforesaid case crime, 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.

Order Date :- 9.11.2023
Pradeep/-

Digitally signed by :-
PRADEEP SINGH
High Court of Judicature at Allahabad,
Lucknow Bench