

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2628 of 2023

Applicant :- Ajay Paswan And Another

Opposite Party :- State Of U.P. Thru. Cbi/Acb Lucknow

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 Sri Mayank Sharma, the learned counsel for the applicants 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 applicants seeking anticipatory bail in F.I.R. bearing Case Crime No.02 of 2016, R.C. No. RC0062014A0025, under Sections 511 r/w 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 applicants and some unknown persons, stating that in an examination for making selections to 'Group - D' posts in Indian Railways, some imposters had appeared for some candidates.
4. The applicants' name is not mentioned in the chargesheet or supplementary chargesheet and their name has surfaced in the second supplementary chargesheet stating that in his place, Pawan Kumar and Kapil Kumar Chaudhary, impersonators had appeared in the written examination.
5. In the affidavit filed in support of the anticipatory bail-application, it has been stated that the applicants are innocent and they have no criminal history.
6. Learned counsel for the applicants 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 applicants' name has come to light in the second supplementary chargesheet, submitted on 29.06.2022; that at this pace, the trial may take take decades to conclude; that the applicants have 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 applicants.

9. In view of the above, the anticipatory bail application of the applicants is ***allowed***. In the event of arrest/ appearance of applicants-(i) ***Ajay Paswan*** & (ii) ***Ajeet Kumar Joy*** before the learned Trial Court in the aforesaid case crime, they shall be released on anticipatory bail on their 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 applicants shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicants 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 applicants shall not pressurize/ intimidate the prosecution witness.

Order Date :- 9.11.2023

Pradeep/-