

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2668 of 2023

Applicant :- Hari Prasad Tripathi

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy./Prin.
Secy. Home Deptt. Govt. Lko. And Another

Counsel for Applicant :- Dr. Pooja Singh, Digvijay
Singh, Surya Prakash Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Dr. Pooja Singh, the learned counsel for the applicant as well as Sri Anurag Verma, the learned Additional Government Advocate-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. 30 of 2022, under Sections 419, 420, 467, 468, 218 IPC, Police Station Sadullanagar, District Balrampur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 19.03.2023 against three persons, including the applicant, in furtherance of an application under Section 156(3) Cr.P.C., alleging that in connivance with the applicant, co-accused Virendra Kumar Das got the name of his father entered in various government documents and thereafter falsely projecting himself to be dead, got the names of his heirs mutated in the revenue records. The co-accused has wrongfully taken the benefit of reservation on the basis of forged documents.

4. In the affidavit filed in support of the application it has been contended that the applicant is a 65 years old retired Revenue Inspector having no criminal history.

5. Co-accused Virendra Kumar Das has already been granted anticipatory bail by means of an order dated 28.07.2023 passed by this Court in Criminal Misc. Anticipatory Bail Application No. 1677 of 2023.

6. Sri Anurag Verma, the learned AGA-I has vehemently opposed the anticipatory bail application and he has submitted that the applicants had misused their official position to help

the co-accused person in gaining undue advantage by making false entries in government documents.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the co-accused person has also been granted anticipatory bail and the is a retired government employee and he does not appear to be in a position to influence the witnesses or tamper with evidence 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 during pendency of the trial.

8. In view of the above, the anticipatory bail application of the applicant is ***allowed***. In the event of arrest/ appearance of applicant-***Hari Prasad Tripathi*** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail during pendency of the trial 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 :- 21.11.2023

Pradeep/-