

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2740 of 2023

Applicant :- Anand Mishra

Opposite Party :- State Of U.P. Thru. Prin.Secy. Home And 3
Others

Counsel for Applicant :- Akshay Kumar Singh,Palak
Jawa,Ruchir

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Akshay Kumar 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 applicants seeking anticipatory bail in F.I.R. bearing Case Crime No. 206 of 2022, under Section 66D Information Technology Act, 2000, 3/3 of the Uttar Pradesh Public Examination Act, 1998 & 120-B, 471, 468, 467 & 420 of the Indian Penal Code, 1860, Police Station Hazratganj, District Lucknow.

3. The aforesaid case has been registered on the basis of an FIR lodged on 13.12.2022 against 11 persons, including the applicant, alleging that various illegalities were committed in the online examination held for making selection to the post of Sub Inspector in Civil Police and other equivalent posts. After investigation, a charge sheet has been submitted against three co-accused persons Ajay Chauhan, V.K. Singh and Shashi and investigation against rest of the accused persons is still pending.

4. In the affidavit filed in support of the application it has been stated that the applicant is innocent, he has been falsely implicated in the present and he has no criminal history.

5. It has further been stated that a notice dated 16.08.2023 was issued to the applicant by the STF asking him to appear within three days and present his version and as the applicant is willing to cooperate with the investigation, he immediately approached seeking anticipatory bail from the Sessions court and thereafter he has approached this Court.

6. Learned AGA-I has vehemently opposed the application and

on the basis of instructions provided to him, he has submitted that in response to the notice dated 16.08.2023 the petitioner had sent a letter dated 14.09.2023 stating that he was unwell and, therefore, he could not appear and he undertook to be present in the office of STF on 21.09.2023. However, the applicant did not honour the undertaking given by himself in his letter dated 14.09.2023 and he did not send any further communication.

7. From the aforesaid facts, prima facie, it appears that the applicant is not cooperating with the investigation and the aforesaid conduct of the applicant disentitle him to be granted anticipatory bail in the present case.

8. The anticipatory bail application is ***rejected*** accordingly. However, in case the applicant files an application for grant of bail, the same shall be considered and decided on its merits, without being influenced by any observations made in this order.

Order Date :- 30.11.2023

Pradeep/-