

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2741 of 2023

Applicant :- Avinash Kumar

Opposite Party :- State Of U.P. Thru. Secy. (Home), U.P.
Lucknow And Another

Counsel for Applicant :- Deshraj Singh, Shiv Shankar Verma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Deshraj Singh, the learned counsel for the applicants as well as Sri Shaunak Singh, 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. 612 of 2023, under Sections 419, 420, 467, 468, 471 IPC & Sections 6/10 U.P. Public Examination Act, 1998, Police Station Kotwali Dehat, District Hardoi.
3. The aforesaid case has been registered on the basis of an FIR lodged on 29.10.2023 against the applicant and one Roshan Kumar, stating that the co-accused had appeared in place of the applicant during an examination held by U.P. Subordinate Services Selection Board.
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 case and he has no criminal history.
5. Having considered the aforesaid facts and circumstances of the case and keeping in view the conduct of the applicant in trying to secure public employment by letting some other person write the examination for him and also keeping in view the maximum sentence which can be awarded to the applicant, I am of the view that the aforesaid facts do not warrant exercise of discretion of this Court by granting pre-arrest bail to the applicant.
6. 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/-