

**Court No. - 29**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 14463 of 2023

**Applicant :-** Shivam Gupta

**Opposite Party :-** State Of U.P. Thru. Addl. Chief Secy. Home Lko.

**Counsel for Applicant :-** Prabhu Ranjan Tripathi

**Counsel for Opposite Party :-** G.A.

**Hon'ble Mrs. Sadhna Rani (Thakur),J.**

Supplementary affidavit filed on behalf of the applicant is taken on record.

Heard learned counsel for the applicant, learned A.G.A. and perused the record.

The accused- applicant is involved in FIR No. 381 of 2023, under Sections 419, 420, 467, 468, 471 I.P.C. and section 4/10 of U.P. Public Examination Act, Police Station Chinhath, District- Lucknow.

It is argued by the learned counsel for the applicant that as per the FIR, there is allegation that he participated in the examination for the post of Junior Assistant at place NWP Inter College, Lucknow, as a solver on behalf of Pratyush Jaiswal while on the same date as per his admit card appended at page 37 of the paper book, the applicant himself had to appear in the same examination for Junior Assistant from the different center. When he himself had to appear in the same exam from a different centre, it was not possible for him to leave his examination for the other candidate working as his solver. The applicant is a brilliant student, when behind the bar, he has been selected for the post of Junior Engineer. The applicant has been implicated in the offence only on the basis of his confessional statement. The applicant is said to have been apprehended during examination between 10.00 a.m. to 12 a.m. while the FIR was lodged on the same day at 8.00 p.m., hence, his implication for the offence is false. All the co-accused persons arrested along with him in the same incident have been granted bail. The offence is triable by the court of Magistrate. The applicant is languishing in jail since 27.8.2023, hence, the prayer for bail is made.

Learned A.G.A. opposed the prayer for the bail of the applicant.

Learned counsel for the applicant placed before the court the admit card of the applicant of the same examination from the different centre where he had to appear in the examination on the same day. According to the learned counsel for the applicant, the applicant had some altercation with the police personnel in the morning itself so he was falsely implicated in the present case, because of this false implication he could not appear in his examination being held in different centre. The offence is triable by the court of Magistrate. The bail orders of the co-accused persons have been placed before the court. There is no criminal history to the credit of the applicant.

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a fit case of bail.

The bail application is allowed.

Let the applicant Shivam Gupta who is involved in aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.
2. He will not tamper with the witnesses.
3. He will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to the prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

**Order Date :- 8.12.2023**

Gss