

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2815 of 2023

Applicant :- Arun Kumar

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lucknow And Another

Counsel for Applicant :- O.P. Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri O.P. Tiwari, learned counsel for the applicant as well as Sri Anant Pratap Singh, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed seeking anticipatory bail in case crime No. 883 of 2023, under Sections 419, 420, 467, 468, 471 I.P.C and Section 6/9 of the Uttar Pradesh Public Examination Act, 1998, registered at Police Station Kotwali, District Unnao.

3. The aforesaid case has been registered on the basis of a F.I.R. lodged on 28.10.2023 against the applicant and another person, stating that during T.E.T examination, in place of the applicant, the other co-accused was writing the question paper.

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

5. The learned A.G.A has vehemently opposed the anticipatory bail application and he has submitted that the applicant had tried to secure public employment by making an imposter to appear for him and write the examination. He has further submitted that on the basis of instructions that the applicant's original pan card was recovered from the possession of the other accused person who was writing the examination paper in the applicant's place.

6. Having considered the aforesaid facts and circumstances of the case, I am of

the view that the aforesaid facts do not warrant exercise of discretion of this Court by granting pre arrest bail to applicant

7. The bail application stands **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.

(Subhash Vidyarthi,J.)

Order Date :- 8.12.2023
Preeti.