

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15125 of 2023

Applicant :- Avnish Kumar @ Avnish Kumar Roy

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Atul Chander Dwivedi, Brijendra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Atul Chander Dwivedi, learned counsel for the applicant, Smt. Anupriya Jaiswal, learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 593 of 2023, Under Section- 419, 420, 465, 468, 471, 120B IPC and 3/9 U.P. Public Examination(Prevention of Unfair Means) Act, Police Station- Madiyao, District Lucknow.
3. The aforesaid case has been registered on the basis of an FIR lodged on 28.10.2023 stating that the applicant was appearing in place of another candidate in the PET examination being held on 28.10.2023.
4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no previous criminal history.
5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that that the applicant has no previous criminal history and is languishing in jail since 29.10.2023 without making any observation, which may affect the merits of the case, I am of the view that the applicant is entitled to be released on bail in the aforesaid crime.
7. Accordingly, this bail application stands ***allowed***.
8. Let the applicant-***Avnish Kumar @ Avnish Kumar Roy*** be released on bail in the aforesaid case on furnishing a personal

bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

Order Date :- 21.12.2023

Pradeep/-