

**Court No. - 15**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 4681 of 2024

**Applicant :-** Neeraj Tiwari

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

**Counsel for Applicant :-** Ramakar Shukla

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

**Hon'ble Karunesh Singh Pawar,J.**

1.Heard learned counsel for the applicant, learned Additional Government Advocate for the State and perused the record.

2. It is alleged in the prosecution case that the applicant and his real brother Sandeep Kumar Tiwari both have a difference of four months and 10 days in their date of birth according to High School certificate which they have produced for obtaining job. It is further alleged that the applicant showed his date of birth as 12.2.1994 while appearing in High School examination in 2012. However, he has already appeared in High School examination in the year 2001 where he had shown his date of birth as 22.11.1986.

Likewise, Sandeep Kumar Tiwari, bother of the applicant also appeared in High School examination in 2012 showing his date of birth as 30.6.1994 whereas he had already appeared in the said examination in 2005 where he has mentioned his date of birth as 22.5.1988.

It is further alleged that on the basis of forged and fabricated date of birth, they appeared in the Intermediate Examination and got job in police department. Later on, their services have been terminated vide order dated 3.10.2022 after

enquiry.

3.Learned counsel for the applicant submits that the applicant has been falsely implicated. The applicant has no previous criminal history. The applicant is in jail since 30.11.2023. The case is triable by Magistrate. Charge sheet has been filed. The case is of documentary evidence.

It is further submitted that there is no possibility of the applicant of fleeing away after being released on bail or tampering with the witnesses. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail.

4.Learned A.G.A. opposed the prayer for bail but could not dispute the aforesaid facts as argued by the learned counsel for the applicant.

5.Considering the facts and circumstances of the case, including the fact that charge-sheet has been filed, the matter is triable by Magistrate, the applicant has no criminal history, arguments advanced by learned counsel for the parties, the period of incarceration the applicant has undergone by now, and without expressing any opinion on the merits of the case, I am prima facie satisfied that it is a fit case for enlarging the applicant on bail and accordingly, the bail application is allowed.

6.Let the applicant Neeraj Tiwari, involved in Case Crime No.1559 of 2022 under sections 419, 420, 467, 468, 471 I.P.C., P.S. Kotwali Sadar, district Lakhimpur Kheri, 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 with the following conditions which are being imposed in the interest of

justice:-

(i) The applicant will not tamper with the evidence during the trial.

(ii) The applicant will not pressurize/ intimidate the prosecution witness.

(iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(vi) In case the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

7. Observation(s) made herein above shall not be

considered as an expression of opinion on merit of the case.

**Order Date :-** 30.4.2024  
kkb/