

Court No. - 67

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 18112 of 2025

Applicant :- Sandeep Singh Patel

Opposite Party :- State of U.P.

Counsel for Applicant :- Gajendra Singh Chauhan, Shikher Trivedi

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh, J.

1-Heard learned counsel for the applicant and learned A.G.A. representing the State of U.P.

2-By means of this application, applicant-Sandeep Singh Patel, who is involved in Case Crime No. 439 of 2024, under Sections 318(4), 319(2), 61(2) B.N.S. and Sections 11/13(5) of Uttar Pradesh Public Examination (Prevention of Unfair Means) Act, 2024, P.S. Govind Nagar, District Kanpur Nagar seeks enlargement on bail.

3-In nutshell, the prosecution case is that the complainant-Smt. Meenu Gosai got a F.I.R. lodged on 15.12.2024 against Lokendra Shukla and Sandeep Singh Patel (applicant) for the offence under Sections 318(4), 319(2) B.N.S. and Sections 6/10 of U.P. Public Examination Act, 1998 alleging inter-alia that she was posted as Principal in Har Milap Mission School and on 15.12.2024, an examination of CTET was being conducted at her school in the first meeting between 09:30 and 12:00 noon. At about 11:00 o'clock, she received an information that candidate Sandeep Singh Patel having roll no. 215208756 is a suspicious candidate, whose bio-metric has to be examined again. On being re-examined, his bio-metric did not match and it was found that one Lokendra Shukla was appearing in the said exam in place of Sandeep Singh Patel, by using a fake admit card.

4-The main substratum of argument of learned counsel for the applicant is that the applicant is innocent and has been falsely implicated in this case. Applicant has no concern with co-accused Lokendra

Shukla. He next submits that on the day of examination, applicant was medically unfit and was admitted in Shiv Krishna Multi Specialty Hospital, Naraini Road, Banda from 14.12.2024 to 17.12.2024. The applicant was unaware of the fact that on his behalf, any other person had appeared in CTET Exam. The investigation of the case is still pending and the Investigating Officer, during the investigation, did not bring on record any credible evidence to link the applicant with the solver, who was caught red handed. He next submits that there is no money transaction between the applicant with either of the co-accused. The applicant has no criminal antecedent to his credit. He next submits that co-accused Brijendra Shukla @ Manish Shukla has been granted bail by the co-ordinate Bench of this Court vide order dated 25.06.2025 in Criminal Misc. Bail Application No. 17276 of 2025. Lastly, it is submitted by the learned counsel for the applicant that there is no chance of the applicant of fleeing away from the judicial process or tampering with the prosecution evidence. The applicant is languishing in jail since 21.04.2025 and in case, he is released on bail, he will not misuse the liberty of bail.

5-Per contra, learned A.G.A. for the State opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre-trial stage. He next submits that the informant, in her statement under Section 180 B.N.S.S., has supported the prosecution version. It is further submitted that Lokendra Shukla (solver), who was caught red handed in his statement under Section 180 B.N.S.S. has stated that one of his friend namely Brijendra Shukla @ Manish Shukla has offered him to appear on behalf of the applicant in C.T.E.T. Exam and for the said purpose, he gave him Rs. 10,000/- as an advance and also the admit card of the applicant along with forged Aadhar card. He also submits that the investigating officer, in case diary no. 25, has mentioned that there was telephonic conversation between the applicant and co-accused Brijendra Shukla @ Manish Shukla. Considering the gravity of the offence, bail application of the applicant is liable to be rejected.

6-Having heard learned counsel for the parties and examined the matter in its entirety, I find substance in the submission of learned A.G.A. that co-accused Brijendra Shukla @ Manish Shukla, who has arranged a solver (co-accused Lokendra Shukla), was in contact with the applicant-Sandeep Singh Patel. In case diary no. 25, the investigating officer has mentioned that on 25.10.2024, prior to C.T.E.T. Exam, the applicant-Sandeep Singh Patel from his mobile no. 9336172571 has made a call to co-accused Brijendra Shukla @ Manish Shukla on his mobile no. 6394861347. The said conversation was lasted for 41 seconds. This Court also finds that the investigating officer, in case diary no. 16, has also mentioned that co-accused Brijendra Shukla @ Manish Shukla was in contact with the co-accused Lokendra Shukla and several calls were made between them. This Court also finds that from the act of co-accused Lokendra Shukla, present applicant-Sandeep Singh Patel was the main beneficiary, therefore, it cannot be presumed that the present applicant is not involved in the said offence. The case of the applicant being main accused is distinguishable from the case of other co-accused.

7-This Court is of the view that when a solver appears in someone's place in any examination, it undermines the integrity of the educational system and has serious implications for society. Cheating not only devalues genuine merit but also promotes a culture of dishonesty. Cheating in an examination deeply affects the career of meritorious students who rely on hard work and honesty. It creates an uneven playing field, where merit is overshadowed by manipulation. Over time, cheating can lead to a loss of motivation and trust in the system among sincere students, who may feel their dedication is undervalued.

8-So far as the bail order of co-accused Brijendra Shukla @ Manish Shukla is concerned, Hon'ble Supreme Court in the case of Brijmani Devi vs. Pappu Kumar, (2022) 4 SCC 497, has settled that parity cannot be a sole criteria to grant bail and if the bail granted to similarly placed co-accused persons

without assigning any reasons, then on the basis of such bail order merely on the ground of parity, the bail application should not be allowed.

9-Considering the overall facts and circumstances of the case as well as keeping in view the submissions advanced on behalf of parties, gravity of offence, role assigned to applicant and severity of punishment, I do not find any good ground to release the applicant on bail.

10-Accordingly, the instant bail application stands ***dismissed***.

11-It is made clear that the observation contained in the instant order is confined to the issue of bail and shall not affect the merit of the trial.

Order Date :- 8.7.2025

Saurabh