

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 10436 of 2023

Applicant :- Arvind Kumar

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Umang Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised. Rejoinder affidavit filed today by the learned counsel for the applicant is taken on record.
2. Heard Sri Umang Srivastava, learned counsel for the applicant and Sri Ashutosh Srivastava, learned A.G.A. for the State as well as perused the record.
3. The present anticipatory bail application has been filed on behalf of the applicant in F.I.R./Case Crime No. 15 of 2022, under Sections 419, 420, 467, 468, 471, 409 of IPC, Police Station- Jaspura, District- Banda, with a prayer to enlarge him on anticipatory bail.
4. As per the prosecution story, the applicant is said to have got the job as X-ray technician with the Health Department and was posted at the office of Chief Medical Office, Jaspura, District- Banda on the basis of fake documents.
5. Learned counsel for the applicant has stated that he has been falsely implicated in the present case due to ulterior motive. The FIR has been instituted owing to a writ petition filed by the applicant challenging his dismissal. Learned counsel has further stated that the said writ petition was allowed vide order dated 28.02.2023 directing the prescribed authority to decide the representation of the applicant on merits. Learned counsel has also argued that it has not been mentioned in the FIR that as to what forgery in the document was committed by him, whether it was in the name, marks or address. The FIR is based on fake allegations

and is a counterblast to the said Writ A No.5890 of 2018. The applicant has no criminal history.

6. Per contra, learned AGA has vehemently opposed the prayer for anticipatory bail on the ground that the applicant has caused loss to the State Exchequer and had got the job as X-ray Technician on the basis of forged documents, as such, he is not entitled for anticipatory bail.

7. Considering the facts and circumstances of the case, arguments advanced by the learned counsel for the parties and also taking into consideration the fact that the applicant had got himself enrolled as X-ray technician with the Health Department without furnishing proper documents and had caused loss to the State Exchequer, therefore, I do not find it a fit case to enlarge the applicant on anticipatory bail. The arguments tendered at bar pertain to regular bail application and cannot be agitated u/s 438 Cr.P.C.

8. In view of the above, the present anticipatory bail application is rejected.

(Justice Krishan Pahal)

Order Date :- 28.11.2023
Siddhant