

Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11097 of 2023

Applicant :- Yash Pal Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Dharmendra Kumar Srivastava, Gautam

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava, J.

1. Supplementary affidavit filed today is taken on record.
2. This application has been moved on behalf of the applicant **Yash Pal Singh** seeking anticipatory bail in Case Crime No. 70 of 2013, under Sections 420, 467, 468, 471 IPC, Police Station Kakod, District Bulandshahr.
3. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
4. It has been submitted by the learned counsel for the applicant that applicant is innocent and he has apprehension of his arrest in the above-mentioned case, whereas there is no credible evidence against him. It is further submitted that the testimonial documents submitted by the applicant in connection with his appointment on the post of Lecturer in Sampurnanand Sanskrit University, Varanasi are not forged and fabricated documents and he has committed no fraud as such. It is also submitted that earlier an application u/s 482 No. 19445 of 2015 was moved by the applicant before this Court but no relief was granted to him in the said proceeding and the same was disposed of vide order dated 21.9.2015, however, in Criminal Misc. Writ Petition No. 9433 of 2013 vide order dated 17.5.2013 protection was granted to the applicant till submission of police report under Section 173(2) CrPC and the said liberty has not been misused by him. Allegations levelled against the applicant are false. The investigation of the case has been completed and charge sheet has been filed. It has been submitted that in case applicant is granted anticipatory bail, he shall not misuse the liberty of bail and would obey all conditions of bail.
5. Learned A.G.A. opposed the prayer for anticipatory bail and

submitted that in this matter firstly charge sheet has been submitted in the year 2013 against the present applicant but however matter was re-investigated and again charge sheet has been submitted against him and cogent and ample evidence has been collected against the applicant during course of investigation. The documents submitted by the applicant for appointment on the aforesaid post have been found forged and fabricated. It is also submitted that non-bailable warrant has been issued by the Court concerned against the present applicant.

6. In this matter, it has been alleged against the applicant that he obtained service on the post of Lecturer in Sampurnanand Sanskrit University, Varanasi on the basis of forged and fabricated testimonial documents and enjoyed the salary since 1.7.1996 to November, 2011. F.I.R. was lodged and after investigation charge sheet has been submitted. It also reveals that the matter was investigated twice and ample and sufficient evidence has been collected against the applicant during course of investigation.

7. In **Sushila Aggarwal and others vs. State (NCT of Delhi) and another, (2020) 5 SCC 1**, the Hon'ble Apex Court has settled the controversy finally by holding the anticipatory bail need not be of limited duration invariably. In appropriate case, it can continue upto conclusion of trial.

It has been further held therein that anticipatory bail granted can, depending on the conduct and behavior of the accused, continue after filing of the charge sheet till end of trial.

It has been further held by the Hon'ble Apex Court that while considering an application for grant of anticipatory bail, the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence including intimidating witnesses, likelihood of fleeing justice, such as leaving the country, etc. It has further been held that Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion.

8. Hence, considering the settled principles of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicant, all attending facts and circumstances of the case and the fact that allegations are serious in nature, without expressing any opinion on the merits of the case, in my view, it is not a fit case for anticipatory bail to the

applicant. Prayer made in the application is refused.

9. The application is **rejected**.

10. However, it is observed that the bail application of the applicant, if moved, shall be considered and decided by the Court concerned in terms of the law laid down by the Hon'ble Apex Court in **Satender Kumar Antil vs. Central Bureau of Investigation and another, 2022 SCC OnLine SC 825**.

Order Date :- 17.10.2023

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