

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11280 of 2023

Applicant :- Yogesh Kumar Gupta @ Yogesh Kumar

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Manoj Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Manoj Kumar Singh, learned counsel for the applicant and Sri Anit Kumar Shukla, learned A.G.A. for the State and perused the material placed on record.
3. This is the fourth anticipatory bail application moved on behalf of the applicant seeking bail in Case Crime No. 050 of 2021, u/s 409 of IPC, Police Station Pahadi, District- Chitrakoot, during the pendency of trial. His first, second and third anticipatory bail applications were rejected vide order dated 16.2.2022, 4.1.2023 & 27.7.2023 passed in Criminal Misc. Anticipatory Bail Application u/s 438 Cr.P.C. Nos.641 of 2022, 10850 of 2022 and 7732 of 2023, respectively.
4. As a new ground, learned counsel for the applicant has stated that the co-accused Vikhyat Kumar Yadav has been granted interim protection in the same case passed in Criminal Misc. Anticipatory Bail Application u/s 438 Cr.P.C. No.8337 of 2023 and the same has been extended by this Court vide order dated 22.9.2023, as such, the applicant is also entitled for anticipatory bail till the submission of police report u/s 173(2) Cr.P.C.
5. Per contra, learned A.G.A. has vehemently opposed the anticipatory bail application of the applicant on the ground that this is the fourth anticipatory bail application which is a clear misuse of process of court and it tantamounts to forum shopping and, as such, the applicant is not entitled for any relief.
6. After hearing the learned counsel for the parties and taking into consideration the fact that the anticipatory bail application of the co-accused has not been allowed rather only interim protection has

been granted to him and this is not a new ground to entertain the instant anticipatory bail application.

7. Without expressing any opinion on the merits of the case, this Court is not inclined to release the applicant on bail. The bail application is, accordingly, **rejected**.

(Justice Krishan Pahal)

Order Date :- 12.10.2023

Siddhant