

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11440 of 2023

Applicant :- Ashok Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Sushil Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Sushil Kumar Pandey, learned counsel for the applicant and Sri R.P. Patel, learned A.G.A. for the State and perused the material placed on record.
3. The instant anticipatory bail application has been filed on behalf of the applicant seeking anticipatory bail in Case Crime No.757 of 2018, u/s 419, 420, 467, 468, 471 of IPC, P.S. Kosikalan, District-Mathura.
4. As per prosecution story, the applicant along with co-accused Neha Sharma is stated to have come to the Institution on 02.04.2018 and got admitted there on the basis of fake appointment letters and joining letters were also issued by the school authorities. Later on, the said appointment letters were found fake, as such, the FIR was instituted against them.
5. Learned counsel for the applicant has stated that he has been falsely implicated in the present case. The FIR was instituted in the year 2018 and investigation is still going on. Even the father's name of the applicant has wrongly been mentioned. The applicant has nothing to do with the said offence. He is a bonafide person.
6. Per contra, learned A.G.A. has vehemently opposed the prayer for anticipatory bail application of the applicant on the ground that the applicant has forged the documents and even got stolen the said documents, as such, he is not entitled for anticipatory bail.
7. Considering the rival submissions advanced by the learned counsel for the parties, this Court is of the view that the applicant has got appointed in the institution on the basis of forged

documents due to which, a heavy loss of State Exchequer has been incurred, therefore, I do not find it a fit case to grant anticipatory bail to the applicant.

8. The anticipatory bail application is, accordingly, **rejected**.

9. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously, in view of the principle laid down in the recent judgements of the Apex Court in the cases of **Vinod Kumar vs. State of Punjab 2015 (3) SCC 220** and **Hussain and Another vs. Union of India (2017) 5 SCC 702**, if there is no legal impediment.

10. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Justice Krishan Pahal)

Order Date :- 18.10.2023
Siddhant