

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12825 of 2023

Applicant :- Ashok Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashutosh Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Ashutosh Gupta, learned counsel for the applicant and Sri S.P. Pandey, 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. 0231 of 2017, under Sections 193, 120-B, 420 of IPC, Police Station- Civil Lines, District- Etawah, with a prayer to enlarge him on anticipatory bail.
4. As per the prosecution story, an accident claim was filed under Workmen Compensation Act before the Additional Labour Commissioner, Etawah by showing forged documents of having met with an accident by Trala No. HR47 B 4402 whereby one helper is said to have been injured on 27.10.2011.
5. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. He has nothing to do with the said offence. The owner of the said Trala is Varuna Logistics Private Limited which is a registered company and the applicant is only a power of attorney holder of the said company regarding the said Trala. The applicant had employed one Sunil Kumar as driver of the vehicle and the said Ajay Singh son of Komal Singh has been shown as helper. The helpers are employed by the drivers themselves. The forgery committed, if any, may be attributed to other person not by the applicant. Even the said

petition under the Workmen Compensation Act has been dismissed in default as no compensation has been awarded to any person. In case, the anticipatory bail application of the applicant is allowed, he shall not misused the liberty and shall cooperate with trial.

6. Per contra, learned AGA has vehemently opposed the prayer for anticipatory bail.

7. Considering the facts and circumstances of the case and also the arguments advanced by the learned counsel for the parties, this Court finds that the arguments tendered at bar pertain to regular bail application and cannot be agitated u/s 438 Cr.P.C., therefore, I do not find it a fit case for granting the anticipatory bail to the applicant.

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

(Justice Krishan Pahal)

Order Date :- 22.11.2023
Siddhant