

Court No. - 72

**Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12968 of 2023**

Applicant :- Sanjeev Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Suresh Chandra

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Suresh Chandra, learned counsel for the applicant, Sri Deepak Kumar Singh, learned A.G.A. for the State and perused the material placed on record.
3. The present application for anticipatory bail has been filed for anticipatory bail in Case Crime No.362 of 2023, under Sections 419, 420, 467, 468, 471 I.P.C. and Section 10 of Exam Act, Police Station Sasnigate, District Aligarh, during the pendency of trial.
4. This is the second anticipatory bail application on behalf of the applicant. The first one was withdrawn by the applicant and the order was passed, in the light of judgment of Apex Court in **Satender Kumar Antil vs. Central Bureau of Investigation and another** reported in **2022 SCC OnLine SC 825**, vide order dated 8.8.2023 of this Court passed in Criminal Misc. Anticipatory Bail Application U/S 438 Cr.P.C. No.8867 of 2023.
5. Learned counsel for the applicant has stated that as a new ground similarly placed accused person Omkant Singh has been granted anticipatory bail in Case Crime No.583 of 2023 by the Co-ordinate Bench of this Court vide order dated 10.10.2023 passed Criminal Misc. Anticipatory Bail Application No.8844 of 2023, as such, the applicant is also entitled for anticipatory bail in the present case crime on the ground of similarity. Learned counsel has further stated that all the orders of this Court should be similar in nature, as such, applicant is entitled for bail under Section 438 Cr.P.C. The applicant has apprehension of his arrest. Learned counsel has stated that the applicant undertakes that he has co-operated in the investigation and is ready to do so in trial also failing which the State can move appropriate application for cancellation of anticipatory

bail.

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

7. After hearing learned counsel for the parties and taking into consideration that the present case is open and shut case as the applicant has failed to bring forward the reason why another person was appearing in the examination hall on his behalf by impersonation and this Court does not find any similarity or congruity of the order dated 10.10.2023 of Co-ordinate Bench of this Court passed in Case Crime No.583 of 2023, I do not find it a fit case for grant of anticipatory bail to the applicant. The present anticipatory bail application is clear misuse of process of Court and wastage of time.

8. The present anticipatory bail application is hereby found devoid of merits and is accordingly ***rejected***.

Order Date :- 24.11.2023

Vikas

[Krishan Pahal, J.]