

**Court No. - 42**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL  
APPLICATION U/S 438 CR.P.C. No. - 5771 of 2021

**Applicant :-** Bhopal And 2 Others

**Opposite Party :-** State of U.P. and Another

**Counsel for Applicant :-** Rajeev Kumar Rai

**Counsel for Opposite Party :-** G.A.

**Hon'ble Rohit Ranjan Agarwal,J.**

Heard Sri Rajeev Kumar Rai, learned counsel for the applicants, Sri G.P. Singh, learned Additional Government Advocate for the State of U.P. and perused the record.

This Criminal Misc. Anticipatory Bail Application under Section 438 Cr.P.C. has been moved by the applicants directly before this Court seeking anticipatory bail in Case Crime No.- 153 of 2021, under Sections- 420, 467, 468, 471, 506, 120B, 34, 386 IPC, Police Station- Sahibabad, District- Ghaziabad.

The Full Bench consisting five Judges of this Court in the case of Ankit Bharti vs. State of U.P. and another, 2020 (3) ADJ 165 (F.B.) has cleared smog on the issue of concurrent jurisdiction for approaching at the first instant for anticipatory bail before High Court or Session Court and held that there must be compelling or special circumstances entitling a party to directly approach the High Court for grant of anticipatory bail.

In the light of the above mentioned legal position, first of all this Court has to determine whether the applicants who approached this Court directly seeking anticipatory bail have made out a case of compelling or special circumstances for entertaining this application.

After perusing the entire record, I find that in the instant anticipatory bail application, applicants have not mentioned any compelling or special circumstance to approach this Court directly without the avenue as available before the Court of

Sessions being exhausted.

In view of above, in the opinion of this Court, no compelling or special circumstances exist in the present case warranting the jurisdiction of this Court being invoked directly without the avenue as available before the Court of Sessions being exhausted.

Accordingly, this Anticipatory Bail Application is dismissed without expressing any opinion on merits of the case with liberty to the applicants to approach the concerned Court of Sessions.

**Order Date :-** 1.6.2021

V.S.Singh