

Court No. - 42

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 5623 of 2021

Applicant :- Dhananjay Gupta

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

Counsel for Applicant :- Manas Bhargava

Counsel for Opposite Party :- G.A.

Hon'ble Rohit Ranjan Agarwal,J.

Heard learned counsel for the applicant and Sri S.S. Tiwari learned AGA for the State.

This Criminal Misc. Anticipatory Bail Application under Section 438 Cr.P.C. has been moved by the applicant directly before this Court seeking anticipatory bail in Case Crime No.- 556 of 2019, under Sections- 419/420/409 IPC, Police Station- George Town, District- Prayagraj, during the pendency of the investigation.

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 applicant who approached this Court directly seeking anticipatory bail has 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, applicant has 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 applicant to approach the concerned Court of Sessions.

Order Date :- 31.5.2021
Shekhar