

**Court No. - 71**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL  
APPLICATION U/S 438 CR.P.C. No. - 17177 of 2021

**Applicant :-** Taufiq Ahmad

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

**Counsel for Applicant :-** Devid Kumar Singh, Rajiv  
Sisodia, Virendra Singh Tomar

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

**Hon'ble Deepak Verma, J.**

Heard learned counsel for the applicant and learned Additional Government Advocate representing the State and perused the record of the case.

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. 0533 of 2021, under Sections 3, 5, 8 U.P. Cow Slaughter Act and Section 11 Animal Cruelty Act, P.S. Baheri, District Bareilly, during 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, reported in 2020 (3) ADJ 575 (FB)** has cleared the 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 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.

Lastly, learned counsel for the applicant submitted that the applicant does not want to press the present anticipatory bail application and the same may be rejected as withdrawn with liberty to the applicant to file an appropriate application before the court concerned.

Learned Additional Government Advocate does not have any objection to the aforesaid prayer of the counsel for the applicant.

This anticipatory bail application is accordingly **rejected** as withdrawn with liberty to the applicant to approach the concerned court of Sessions.

**Order Date :- 30.11.2021**

Meenu