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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 4757/2025**

NITIN

.....Petitioner

Through: Ms. Sakshi Sachdeva, Advocate.

versus

THE STATE OF NCT OF DELHI AND ANR

.....Respondent

Through: Mr. Utkarsh, APP for State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **09.12.2025**

CRL.M.A. 36650/2025 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

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3. First Application under Section 438 Cr.P.C has been filed on behalf of the Petitioner against the Order dated 18.03.2025 vide which the learned ASJ has dismissed the Anticipatory Bail Application filed by the Petitioner on the sole ground that the Anticipatory Bail is sought under Section 70(1) BNS for which Anticipatory Bail under Section 482 is not maintainable.
4. However, Learned APP for State has fairly conceded that the Anticipatory Bail in terms of Section 482 (4) Cr.P.C is not maintainable only in respect of the offences under Section 70(2) BNS. There is an error in the impugned Order and the matter be remanded back to the learned ASJ to be decided on merits.

Submissions heard and record perused.



5. The Anticipatory Bail Application has been dismissed on the technical ground of erroneously observing that the Anticipatory Bail was not maintainable for the offence under Section 70(1) BNS. The impugned Order is hereby set aside and the matter is remanded back to the learned Trial Court to be decided on merits in accordance with law.
6. The matter be listed before the learned Trial Court on 18.12.2025.
7. The Interim Protection till the said date is granted to the Petitioner, after which the learned Trial Court is at liberty to consider the extension of the Interim Protection.
8. The Application stands disposed of.
9. A copy of this Order be communicated to the learned Trial Court.

NEENA BANSAL KRISHNA, J

DECEMBER 9, 2025/va