

Court No. - 13

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S
438 CR.P.C. No. - 437 of 2025

Applicant :- Ayush Sinha

Opposite Party :- Union Of India Thru. Ministry Of Railways Rail
Bhavan New Delhi And 2 Others

Counsel for Applicant :- Kapil Kandpal, Rahul Kapoor

Counsel for Opposite Party :- A.S.G.I.

Hon'ble Manish Mathur, J.

Heard Mr. Rahul Kapoor learned counsel for applicant, and Mr. Shiv P. Shukla learned counsel appearing on behalf of opposite parties and perused the record.

This first bail application has been filed with regard to Case Crime No. 3 of 2025 under Section 3 of R.P. (U.P.) Act, 1966, Police Station/Post R.P.F. Post: Burhwal Junction, North Eastern Railway, District Barabanki.

Learned counsel for opposite parties has raised a preliminary objection regarding maintainability of this application before this Court in view of statement made in paragraph 5 of the affidavit filed in support of application to the effect that the applicant is not residing within jurisdiction of concerned Sessions Court and basis of threat therefore approached this Court. It is submitted that the applicant has straightway approached this Court with regard to filing of anticipatory bail without approaching the trial court at the first instance. It is also submitted that since anticipatory bail does not require presence of the applicant, the apprehension of arrest is required to be made out before trial court and there is no direct apprehension of arrest of the applicant only on the basis of filing an anticipatory bail.

Upon such objection being raised by learned counsel for opposite party, learned counsel for applicant on the basis of instructions seeks to withdraw this application with liberty to file afresh before concerned Sessions Court.

Considering submissions advanced by learned counsel for parties, the present anticipatory bail application is dismissed as withdrawn granting liberty to applicant to file afresh before court concerned.

Office is directed to return certified copies to the applicant forthwith.

Order Date :- 21.4.2025

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