2026:AHC:82302

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 2985 of 2026

Jitendra Kumar Yadav

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Prateek Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant as well as learned AGA and perused the material available on record.

2. The present Anticipatory Bail Application has been filed with the prayer to grant transit bail/limited anticipatory bail to the applicant - **Jitendra Kumar Yadav** in Case Crime No. 1161 of 2025 under Sections 336(2), 336(3), 318(4), 340(2) B.N.S., 2023, Police Station Sahar, District Brihan City Mumbai, State of Maharastra.

3. It is submitted by learned counsel for the applicant that applicant is not named in the F.I.R., and only for the purpose of investigation, notice was sent to the applicant by the concerned police station on 20.03.2026. He further submits that the applicant is ready to appear before the concerned Investigating Officer in the State of Maharastra for which the applicant may be released on interim transit anticipatory bail for a limited period. Learned counsel for the applicant submits that applicant is apprehending arrest. In order to seek his legal remedies before the court concerned in State of Maharastra, it is submitted that the applicant is seeking transit bail/limited anticipatory bail for a period of one month. Learned counsel for the applicant submits that on account of distance the applicant is not in a position to appear and sought legal remedies before the court having

jurisdiction. It is further submitted by learned counsel for applicant that applicant is innocent and has no concern with the present matter. Allegations levelled against the applicant are false. It is further argued that no prima facie case is made out against the applicant. If the applicant is enlarged on anticipatory bail, he will not misuse the liberty and cooperate with the investigation. The applicant has apprehension of his arrest by the police any time. Learned counsel has placed reliance upon paragraph nos. 37, 45 and 46 to the decision of Hon'ble Apex Court rendered in the matter of ***Priya Indoria Vs. State of Karnataka*** and others reported in ***2023 0 Supreme (SC)1164***, which are quoted below:-

> "37. It would be impossible to fully account for all exigent circumstances in which an order of extra territorial anticipatory bail may be imminently essential to safeguard the fundamental rights of the applicant. We reiterate that such power to grant extra-territorial anticipatory bail should be exercised in exceptional and compelling circumstances only which means where, denying transit anticipatory bail or interim protection to enable the applicant to make an application under Section 438 of CrPC before a Court of competent jurisdiction would cause irremediable and irreversible prejudice to the applicant. The Court, while considering such an application for extra-territorial anticipatory bail, in case it deems fit may grant interim protection instead for a fixed period and direct the applicant to make an application before a Court of competent jurisdiction.
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> 45. At the same time, we are also mindful of the fact that the accused cannot seek full-fledged anticipatory bail in a State where he is a resident when the FIR has been registered in a different State. However, in view of what we have discussed above, he would be entitled to seek a transit anticipatory bail from the Court of Session or High Court in the State where he is a resident which necessarily has to be of a limited

duration so as to seek regular anticipatory bail from the Court of competent jurisdiction. The need for such a provision is to secure the liberty of the individual concerned. Since anticipatory bail as well as transit anticipatory bail are intrinsically linked to personal liberty under Article 21 of the Constitution of India and since we have extended the concept of access to justice to such a situation and bearing in mind Article 14 thereof it would be necessary to give a constitutional imprimatur to the evolving provision of transit anticipatory bail. Otherwise, in a deserving case, there is likelihood of denial of personal liberty as well as access to justice for, by the time the person concerned approaches the Court of competent jurisdiction to seek anticipatory bail, it may well be too late as he may be arrested. Needless to say, the Court granting transit anticipatory bail would obviously examine the degree and seriousness of the apprehension expressed by the person who seeks transit anticipatory bail; while the object underlying exercise of such jurisdiction is to thwart arbitrary police action and to protect personal liberty besides providing immediate access to justice though within a limited conspectus.

46. If a rejection of the plea for limited/transitory anticipatory bail is made solely with reference to the concept of territorial jurisdiction it would be adding a restriction to the exercise of powers under Section 438. This, in our view, would result in miscarriage and travesty of justice, aggravating the adversity of the accused who is apprehending arrest. It would also be against the principles of access to justice. We say so for the reason that an accused is presumed to be innocent until proven guilty beyond reasonable doubt and in accordance with law. In the circumstances, we hold that the Court of Session or the High Court, as the case may be, can exercise jurisdiction and

> entertain a plea for limited anticipatory bail even if the FIR has not been filed within its territorial jurisdiction and depending upon the facts and circumstances of the case, if the accused apprehending arrest makes out a case for grant of anticipatory bail but having regard to the fact that the FIR has not been registered within the territorial jurisdiction of the High Court or Court of Session, as the case may, at the least consider the case of the accused for grant of transit anticipatory bail which is an interim protection of limited duration till such accused approaches the competent Sessions Court or the High Court, as the case may be, for seeking full-fledged anticipatory bail. "

4. Learned A.G.A. submits that no case has been registered against applicant in State of Uttar Pradesh and no warrant has been received from State of Maharastra in respect of arrest of the applicant.

5. It is settled principle of law that the object of bail is to secure the attendance of the accused. No material particulars or circumstances suggestive of the applicant fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like have been shown by learned AGA for the State.

6. It has been submitted by learned counsel for the applicant that applicant will participate in the course of justice and investigation and would appear before the court concerned within the time granted by this Court and apply for bail/anticipatory bail, in accordance with law.

7. Considering the statement made by learned counsel for the applicant that the applicant will participate in the on going investigation and will seek legal remedies as available under law in State of Maharastra where FIR has been lodged, the applicant is granted transit bail/limited anticipatory bail for a period of one month from today on his furnishing a personal bond of Rs.50,000/- with two sureties each in the like amount to the

satisfaction of the Chief Judicial Magistrate, Varanasi or any other Magistrate authorized by him, in respect of offence described in para-2 of the present order with the following conditions:-

(i) The applicant is directed to participate in the on going investigation and would be at liberty to seek all his legal remedies as may be available under law.

(ii) In the event, applicant does not appear/seek legal remedies as available under law within a period of one month from today, the present transit bail/limited anticipatory bail application would stand automatically revoked.

8. With the directions made above, the anticipatory bail application stands allowed.

April 10, 2026
S.Ali

(Dr. Gautam Chowdhary,J.)

Digitally signed by :-
SHAUKAT ALI
High Court of Judicature at Allahabad