



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Criminal Miscellaneous Bail Application No. 12719/2026
CNR: RJHC010957792026 | URN: CRLMB / 27800U / 2026

Govind Dhargaye W/o Amit Kumar, Aged About 37 Years, R/o
Quarter No 27/2 Radhika Nagart Supela Bhilai Durg Chhatisgarh
490023

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 12721/2026
CNR: RJHC010957852026 | URN: CRLMB / 27804U / 2026

Puspika Amit Kumar W/o Amit Kumar, Aged About 37 Years, R/o
Quarter No 27/2 Radhika Nagar Supela Bhilai Durg Chhattisgarh
490023

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Ms. Jyoti Agarwal Mr. Pradeep Shekhawat Mr. Swaraj Swaroop Aggarwal Ms. Sanjivani Aggarwal Mr. Kaushal Gautam Mr. Kunal Kalla
For Respondent(s)	:	Mr. Hanuman Prajapati, PP Mr. Arjun Singh Rathore, Investigating Officer (present in person)

HON'BLE MR. JUSTICE SANJEET PUROHIT
Order

- | | | | |
|----|---|----|------------|
| 1. | Date of Conclusion of arguments | :: | 09.10.2026 |
| 2. | Date on which judgment was reserved | :: | 09.10.2026 |
| 3. | Whether the full judgment or only the
operative part is pronounced | :: | Full |
| 4. | Date of pronouncement | :: | 13.10.2026 |



1. By way of this common order, both aforesaid bail applications are being disposed of together as they arise out of the same FIR and involve identical questions of law and fact.

2. Present applications have been preferred under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of anticipatory bail in connection with FIR No. 159/2026 dated 06.06.2026, registered at Police Station Rishabhdev, District Udaipur, for offences punishable under Sections 299, 302, 196(1) (a), 61(2), and 318(4) of the Bharatiya Nyaya Sanhita, 2023, Sections 3 and 5(1) of the Rajasthan Prohibition of Unlawful Conversion of Religion Act, 2025, and Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Since applicants could not be arrested during the course of investigation and consequently their interrogation could not be undertaken because of which the investigation qua them has been kept pending, whereas charge-sheet dated 02.09.2026 has been filed against other accused persons.

I. Submissions on Behalf of the Parties: -

3. Referring to the contents of the FIR in question, learned counsel appearing on behalf of the applicants submitted that the FIR came to be registered alleging that, at around 12:00 noon on 06.06.2026, a private gathering was being organised at Village Kanuwada, District Udaipur, wherein inducements and allurements were allegedly given and coercive attempts were allegedly made towards religious conversion and baptism of members of the backward classes of the local community.



3.1 Learned counsel for the applicants further submitted that present applicants were not named in the FIR in question and have only subsequently been arraigned as accused upon statements of other co-accused. It was contended that applicants have been falsely implicated in the case, as no overt act or specific role has been assigned to them and that they have been made accused merely on the basis of their alleged presence at the place of occurrence.

Learned counsel submitted that applicant-Govind was employed as driver to co-accused Amit Kumar and had travelled to the place solely in the discharge of his duties as driver and porter, having played no role in the organization, conduct, or management of the programme. A similar contention was raised on behalf of applicant - Smt. Pushpika, who is the wife of co-accused Amit Kumar, submitting that she had merely accompanied her husband and played no part in organizing or managing said gathering.

3.2 It was also submitted that accused persons named in the FIR have already been arrested and that the investigation qua them stands concluded. Learned counsel further pointed out that although regular bail applications preferred by co-accused were earlier rejected by Coordinate Bench of this Court vide order dated 23.07.2026, they have subsequently been enlarged on bail by the Hon'ble Supreme Court vide order dated 28.09.2026 in Criminal Appeal No. 4598/2026.

3.3 Learned counsel further submitted that the allegations in question do not involve any accusation of causing bodily injury or



destruction of property and that since the investigation qua co-accused has been completed and charge-sheet has already been filed, custodial interrogation of present applicants is neither necessary nor warranted in the facts and circumstances of the present case.

3.4 It was also submitted that the applicants are ready and willing to cooperate with the investigation and all further proceedings in accordance with law and that there is no possibility of applicants fleeing from justice or tampering with prosecution evidence. Learned counsel accordingly prayed that applicants may be granted anticipatory bail.

4. ***Per contra***, learned Public Prosecutor, assisted by concerned Investigating Officer, vehemently opposed the bail applications. In addition to advancing submissions regarding the necessity of custodial interrogation of the applicants, learned Public Prosecutor raised preliminary objection regarding the maintainability of present applications directly before this Court without first approaching the concerned Court of Sessions. It was contended that, notwithstanding the concurrent jurisdiction conferred upon the High Court and the Court of Sessions under Section 482 BNSS, the established judicial practice is to approach the Court of Sessions in the first instance, and therefore, direct invocation of the jurisdiction of this Court is not justified in the present case.

5. Responding to said preliminary objection raised by learned Public Prosecutor, learned counsel for the applicants submitted that Section 482 BNSS does not contain any express embargo on approaching the High Court directly. It was contended that judicial



precedents have consistently held that where special and exceptional circumstances exist, direct invocation of the High Court's jurisdiction is fully justified. Learned counsel submitted that such exceptional circumstances exist in present case on the following grounds: -

- (i) Applicants are permanent residents of Radhika Nagar, Supela Bhilai, District Durg, Chhattisgarh, situated approximately 1,600 km away from concerned Sessions Court at Udaipur, making it difficult to coordinate and supervise proceedings before said court;
- (ii) Applicants face an imminent threat of arrest by the police;
- (iii) Regular bail applications of other co-accused were earlier rejected by the courts below, giving rise to a reasonable apprehension that applicants' bail applications may also be rejected; and
- (iv) Having regard to the nature of the allegations involving religious sentiments and the surrounding circumstances, applicants apprehend risk to their safety and lack of fair treatment before the Court of Sessions.

5.1 In support of these contentions, learned counsel for the applicants placed reliance upon the decision of the Hon'ble Supreme Court in **Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565**, as well as order dated 07.08.2025 passed by the Hon'ble Supreme Court in **Manjeet Singh v. State of Uttar Pradesh, 2025 SCC OnLine SC 3058**, so also the decisions of the Hon'ble Allahabad High Court in **Vinod Kumar v. State of U.P., 2019 SCC OnLine All 4821** and the Five-Judge Full Bench in **Ankit Bharti v. State of U.P., 2020 SCC OnLine ALL 1949**.



6. *Per contra*, learned Public Prosecutor argued that the grounds cited by applicants cannot be termed as exceptional or special circumstances. According to learned Public Prosecutor, if factors like living outside the jurisdiction of the Court of Sessions or the rejection of a co-accused's bail application are treated as exceptional, it would open floodgates and virtually oust the jurisdiction of the Sessions Court in a vast number of cases. In support of aforesaid submissions, reliance was placed on the judgment of the Hon'ble Supreme Court in **Jagdeo Prasad v. State of Bihar, 2025 SCC OnLine SC 2108** and order dated 08.09.2025 passed in **Mohammed Rasal. C & Anr. v. State of Kerala & Anr.**, SLP (Crl.) No. 6588/2025.

7. Learned Public Prosecutor further contended that offences punishable under the SC/ST (Prevention of Atrocities) Act, 1989, are also attracted in the present case and that Section 18 of said Act places an embargo on the grant of anticipatory bail to a person accused of having committed an offence under the Act. It was, therefore, submitted that present bail application is also not maintainable in view of aforesaid statutory bar.

8. In counter, learned counsel for the applicants submitted that applicant-Govind belongs to the 'Mahar' caste, while applicant-Smt. Pushpika belongs to the 'Oraon' community, which are stated to be notified Scheduled Castes and Scheduled Tribes, respectively, in relation to the State of Chhattisgarh, and additional affidavits along with caste certificates have been placed on record in support of the same. It was, therefore, contended that, having regard to the language of Section 3 of the SC/ST Act,



which penalises specified acts committed by a person “not being a member of a Scheduled Caste or a Scheduled Tribe”, the provisions of the Act would not be attracted against applicants, who are themselves members of protected categories.

II. Analysis and Reasoning : -

9. At the outset, it is pertinent to note that this Court is conscious of the fact that the question concerning the exercise of concurrent jurisdiction by the High Court and the Court of Sessions in matters of anticipatory bail is presently under consideration before a three-Judge Bench of the Hon’ble Supreme Court in **Mohammed Rasal. C** (supra), wherein judgment has been reserved. However, having regard to the urgency expressed by learned counsel for the applicants and the request made for consideration of present applications, this Court deems it appropriate to dispose of these applications in light of the legal position as it presently stands.

A. Concurrent Jurisdiction of the High Court and the Court of Sessions: Legal Position

9.1 Section 482 BNSS confers concurrent jurisdiction upon the High Court and the Court of Sessions to entertain an application seeking anticipatory bail. However, notwithstanding the absence of any statutory mandate, judicial precedents have consistently recognised that as a matter of sound judicial practice, the Court of Sessions ought ordinarily to be approached before invoking the jurisdiction of the High Court.

9.2 The Hon’ble Supreme Court, in **Mohammed Rasal. C** (supra), observed that, notwithstanding the concurrent jurisdiction vested in both Courts, the established hierarchy of Courts



demands that ordinarily, an applicant should approach the Court of Sessions in the first instance, rather than directly invoking the jurisdiction of the High Court. The Court emphasized the practical advantages of approaching the Court of Sessions as the court of first instance and cautioned that permitting litigants to routinely bypass said forum would inundate the High Courts with a spate of applications seeking anticipatory bail. It was observed thus : -

*"6. We find that in this case, the petitioners had approached the High Court directly for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023(for short, 'BNSS'), without first approaching the Sessions Court for the said relief. **We are of the opinion that though the concurrent jurisdiction is conferred upon the Sessions Court and the High Court to entertain a prayer for pre-arrest bail under Section 482 of the BNSS (formerly, Section 438 CrPC), the hierarchy of Courts demands that no person seeking such remedy should be encouraged or allowed to directly approach the High Court for exercising jurisdiction under Section 482 of the BNSS (formerly, Section 438 CrPC) by bypassing the jurisdiction of the concerned Sessions Court.***

*7. **The Sessions Judge exercises powers under Section 438 CrPC in relation to all cases registered with the police stations in the particular District. This area-wise distribution of work would make it much more convenient and facilitate expeditious disposal, if the application for pre-arrest bail is first filed before the Sessions Court which would have a direct and first-hand assistance of the concerned Public Prosecutor appointed for that particular District. The Sessions Court would also have an immediate access to the Case Diary thereby facilitating a better appreciation of facts of the case.***

*8. **We further feel that if the practice of entertaining the applications for pre-arrest bail directly in the High Court is encouraged, and the parties concerned are not relegated to first approach the Sessions Court concerned, the High Court would be flooded with a spate of pre-arrest bail applications thereby creating a chaotic situation. We say so, because if the parties are required to approach the Sessions Court concerned for seeking remedy of pre-arrest bail,***





there is a strong probability that significant number of applications would be allowed at that level only thereby acting as a filtration process before the process reaches the High Court.

9. It is trite that in most of the States, there is a consistent practice requiring the litigant concerned to first approach the Sessions Court for seeking relief of pre-arrest bail and only in the event of denial of such relief, the litigant would be granted access to approach the High Court for seeking such relief. This is, of course, subject to just exceptions and the High Court, for reasons to be recorded, may entertain an application for pre-arrest bail directly in special/extraordinary circumstances."

(emphasis supplied)

9.3 Similarly, in ***Jagdeo Prasad*** (supra), the Hon'ble Supreme Court emphasised that the High Court should ordinarily encourage exhaustion of concurrent remedy before directly exercising its jurisdiction and observed as follows : -

"6. However, before parting, we do wish to express our sincere concern with the haste at which the High Court has dealt with this matter. ***While the scheme of Criminal Procedure Code, 1973 (now Bharatiya Nagarik Suraksha Sanhita, 2023) provides concurrent jurisdiction to the High Court and Sessions Court for entertaining applications for anticipatory bail, this Court has time and again observed that High Court should always encourage exhausting an alternative/concurrent remedy before directly interfering itself. This approach balances the interests of all the stakeholders, first by giving the aggrieved party a round of challenge before the High Court. Second, this approach provides the High Court an opportunity to assess the judicial perspective so applied by the Sessions Court, in concurrent jurisdiction, instead of independently applying its mind from the first go. Further, the High Court fails to record any reason for directly granting anticipatory bail without impleading the appellant-complainant as a party.***"

(emphasis supplied)



9.4 The issue of direct invocation of the High Court's jurisdiction was considered by the Hon'ble Allahabad High Court in **Vinod Kumar** (supra), wherein learned Single Judge, while recognising the concurrent jurisdiction vested in the High Court and the Court of Sessions, observed that the ordinary course should be to approach the Court of Sessions first, and that direct invocation of the High Court's jurisdiction may be justified where strong, compelling or special circumstances exist. While consciously avoiding any attempt to exhaustively define or curtail the judicial discretion of the court, learned Single Judge identified certain illustrative situations where such direct invocation could be warranted. Relevant observations are reproduced hereinbelow: -

"41. The legal position which consequently emerges is that notwithstanding the concurrent jurisdiction being conferred on the High Court and the Court of Session for grant of anticipatory bail under Section 438 Cr.P.C., strong, cogent, compelling reasons and special circumstances must necessarily be found to exist in justification of the High Court being approached first and without the avenue as available before the Court of Sessions being exhausted. Whether those factors are established or found to exist in the facts of a particular case must necessarily be left for the Court to consider in each case.

42. What would constitute "special circumstances" in light of the nature of the power conferred, must also be left to be gathered by the Judge on a due evaluation of the facts and circumstances of a particular case. It would perhaps be imprudent to exhaustively chronicle what would be special circumstances. As noticed above, it would be impossible to either identify or compendiously propound what would constitute special circumstances. Sibbia spoke of the "imperfect awareness of the needs of new situations". It is this constraint which necessitates the Court leaving it to the wisdom of the Judge and the discretion vested in him by statute. Without committing the folly of attempting to exhaustively enunciate what would constitute special circumstances or being understood to have done so,



the High Court would be justified in entertaining a petition directly in the following, amongst other, circumstances:—

(A) Where bail, regular or anticipatory, of a coaccused has already been rejected by the Court of Sessions;

(B) Where an accused not residing within the jurisdiction of the concerned Sessions Court faces a threat of arrest;

(C) Where circumstances warrant immediate protection and where relegation to the Sessions Court would not subserve justice;

(D) Where time or situational constraints warrant immediate intervention.

43. These and other relevant factors would clearly constitute special circumstances entitling a party to directly approach the High Court for grant of anticipatory bail.”

(emphasis supplied)

9.5 The matter was subsequently considered by a five-Judge Full Bench of the Hon’ble Allahabad High Court in **Ankit Bharti** (supra). The Full Bench did not consider **Vinod Kumar** (supra) to require reconsideration; at the same time, it was emphasized that the discretion vested in the High Court cannot be curtailed by an exhaustive enumeration of the circumstances in which direct recourse may be justified, and it was left to the Judge concerned to determine, upon the facts of each case, whether special circumstances exist and stand duly established. The Full Bench further emphasised that a bald assertion of the existence of such circumstances would not suffice and that the application must rest upon strong factual foundation. Relevant observations are reproduced hereinbelow: -

“8. There can never be an encyclopedic exposition as to what would constitute special circumstances. The grounds on which a petition for anticipatory bail may be instituted before the High Court can neither be placed in a straightjacket nor can be comprehensively enumerated. Decades ago the Constitution Bench in Gurbaksh Singh Sibbia v. The State of Punjab⁴ had



cautioned against any attempt to compendiously enumerate the myriad situations in which a petition for anticipatory bail may come to be moved... It also denounced attempts to subject the discretion statutorily conferred to controls by way of judicial interpretation. In fact Sibbia held that the Legislature had wisely left it to the discretion of the Court. The note of prudence was entered bearing in the mind the impossibility of predicting the infinite and imponderable situations in which petitions for anticipatory bail may come to be presented.

...

13. **...we are of the considered view that Vinod Kumar rightly desisted from either postulating or particularizing the various circumstances in which an individual may be recognized as entitled to move the High Court directly and left it to the judicious discretion of the Court to be exercised bearing in mind the facts and exigencies of each particular case. The words of caution and circumspection as entered in Sibbia and Sushila Agarwal in the context of the power conferred by Section 438 apply with equal force while understanding the nature and extent of the concurrent jurisdiction of the High Court. Regard must be had to the fact that it is well nigh impossible to predict upon imponderables such as the immanency of the threat, issues of access to justice and redress and the exigencies of a particular situation. It would not only be unwise but injudicious to frame what was dubbed in Sibbia to be "formulae of universal application". The Court would be well advised to leave it to a judicious exercise of discretion in the facts of each cause brought before it.**

...

18. **...Vinod Kumar itself while articulating some of the situations in which the High Court may be moved directly had underlined the necessity of those assertions being evidenced and substantiated in fact. A bald assertion without requisite particulars was neither suggested as being sufficient to petition the High Court nor does such an assumption flow from that decision. Vinod Kumar has explained that an application of grant of anticipatory bail cannot rest on vague and unsubstantiated allegations or lack of material particulars in support of the threat of imminent arrest. The learned Judge has while dealing with this aspect also referred to the pertinent observations as made by the Supreme Court in Rashmi Rekha Thatoi v. State of Orissa¹⁰. Consequently it must be held that some of the circumstances which have been noted by**





the learned Judge in Vinod Kumar by way of an exemplar of what may constitute special circumstances is not to be read or understood as empty incantations but must necessarily be supported and established from the material on record. The petition must rest on a strong foundation in support of the imminent threat of arrest as alleged. This aspect has also been duly emphasised by the Constitution Bench in *Sushila Agarwal* as is evident from the parts extracted above with it being observed that the application must be based "...on concrete facts (and not vague or general allegations)..."

(emphasis supplied)

9.6 Upon a cumulative consideration of the authorities discussed hereinabove, it emerges that, although Section 482 BNSS does not expressly require an applicant to approach the Court of Sessions before invoking the jurisdiction of the High Court for seeking anticipatory bail, it is a well-recognised principle of judicial practice that the Court of Sessions ought ordinarily to be approached in the first instance. The propriety, wisdom, and soundness of this established practice are informed by the practical realities and institutional set-up of our criminal justice system.

Court of Sessions is better placed, both geographically and hierarchically, to appreciate the ground realities and undertake an initial assessment of the factual circumstances, with the assistance of concerned Public Prosecutor and access to the relevant police records, including the case diary. Approaching the Court of Session in the first instance also affords the High Court, in the event its jurisdiction is subsequently invoked, the benefit of the reasoning and judicial assessment of the Court below. Such a course serves the additional purpose of reducing the burden on



the High Court by enabling matters to be examined at first judicial level, while preserving for the applicant a further opportunity of judicial consideration before the superior Court, a benefit that would otherwise be entirely foreclosed had the matter been directly entertained and decided by the High Court in the first instance.

9.7 As emerges from the observations of the Hon'ble Supreme Court in **Jagdeo Prasad** (supra) and **Mohammed Rasal. C** (supra), we ought to be exceedingly slow in unsettling this institutional hierarchy, lest we do a grave disservice to the tested procedural wisdom that has governed our courts since long. It is true that where exceptional or extraordinary circumstances exist, direct invocation of the High Court's concurrent jurisdiction remains permissible. While learned Single Judge of the Hon'ble Allahabad High Court in **Vinod Kumar** (supra) illustratively indicated certain situations where direct invocation might be justified, the Five-Judge Full Bench of that Court in **Ankit Bharti** (supra) has made it abundantly clear that such categories are not to be treated as "*empty incantations*" or rigid, mechanical formulas to be applied blindly. Mere existence, assertion, or recital of such categories does not, in and of itself, confer an automatic entitlement upon an applicant to invoke the concurrent jurisdiction of the High Court directly. Rather, the exceptional circumstance alleged must be firmly established on basis on facts on record, and its sufficiency must be assessed by the Court in the specific facts and circumstances of the individual case.



B. Consideration of Circumstances Pleaded by the Applicants

i. Distance from the Court of Sessions

10. In the matter at hand, the principal circumstance relied upon by the applicants is that their permanent place of residence at Durg, Chhattisgarh, is approximately 1,600 kilometres away from the concerned Court of Sessions at Udaipur, and the same makes it difficult for them to supervise the proceedings and pursue the remedy before said Court.

10.1 No doubt, residence outside the territorial jurisdiction of the concerned Court of Sessions may, in an appropriate case, constitute a relevant circumstance warranting direct invocation of the High Court's jurisdiction; however, the same cannot be treated as an inflexible rule applicable to every applicant residing outside the jurisdiction of the place where the FIR has been registered and must be considered in the facts and circumstances of particular case. Indeed, if the same were recognized as sufficient ground on mere assertion of the applicant, it would effectively result in ousting the jurisdiction of Sessions Court in almost all cases involving outstation accused.

10.2 Notably, in ***Yagya Narayan v. State of U.P., 2023 (Crl. Misc. Anticipatory Bail Application No. 4935/2023, decided on 08.08.2023)*** the applicant, who resided in District Mirzapur, had directly approached the Allahabad High Court for anticipatory bail in relation to an FIR registered in District Moradabad, relying upon the category recognised in ***Vinod Kumar*** (supra) concerning residence outside the jurisdiction of concerned Sessions Court. The High Court nevertheless declined to exercise its jurisdiction



directly, finding that the reasons assigned did not constitute extraordinary or special circumstances warranting such exercise.

10.3 In present case, the anticipatory bail application of applicants can be pursued by engaging a counsel before learned Sessions Court at Udaipur and their physical presence for pursuing the bail application is not necessary. It is also pertinent to note that the principal seat of this Court at Jodhpur is situated at a comparable distance from Durg, Chhattisgarh, as is the concerned Court of Session at Udaipur, and the applicants have, in fact, been able to engage counsel and invoke the jurisdiction of this Court at Jodhpur without any evident or demonstrable inconvenience. In these circumstances, this Court finds that applicants have not shown any particular impediment which would render recourse to the Court of Sessions at Udaipur impracticable or otherwise inappropriate, and therefore, the plea of distance does not merit acceptance.

ii. Rejection of Bail Applications of Co-accused

11. The next circumstance relied upon is the rejection of the bail applications of other co-accused. Learned counsel for the applicants has sought to persuade this Court that the anticipatory bail applications of co-accused having already met with rejection at the hands of learned Sessions Court and therefore, applicants entertain a genuine apprehension that their own plea would not receive fair and even-handed consideration before that forum.

11.1 In this regard, this Court finds that the applicants, by their own submissions, have sought to distinguish their respective roles from those attributed to the other accused persons, contending



that they have been implicated merely on account of statements made by other co-accused, without any specific act having been attributed to them in the organisation or management of the programme in question. Applicants thus assert that their cases stand on a footing distinct from that of the co-accused whose bail applications were earlier rejected.

11.2 Our Courts of Sessions are manned by experienced judicial officers who remain guided by the settled judicial principles that bail applications of co-accused arising out of the same occurrence must be assessed independently and on their own facts and merits. A mere apprehension, without any material to substantiate it, or distrust of an applicant, towards the functioning of our Criminal Justice System cannot be permitted to assail or otherwise impugn the impartiality and integrity of our subordinate judiciary, which constitutes the very bedrock of our justice delivery system.

11.3 Furthermore, mere rejection of bail application of co-accused, more so one who are not similarly situated, cannot in all situations be seen as constituting extraordinary circumstance warranting direct invocation of the jurisdiction of this Court. Were such a contention to be accepted, the inevitable consequence would be that, in respect of any FIR, only the first accused would approach learned Sessions Court, and upon the rejection of that application, each of the remaining co-accused would directly approach this Court as a matter of course. The same would not only undermine the established institutional hierarchy of Courts but also open the door to filing of spate of anticipatory bail applications before the High Court, a consequence against which



the Hon'ble Supreme Court sounded a note of caution in ***Mohammed Rasal. C*** (supra) and ***Jagdeo Prasad*** (supra).

Thus, viewed from this perspective also, the contention advanced on behalf of applicants is found to be bereft of merit and is, accordingly, rejected.

iii. Apprehension Regarding Safety and Fair Treatment

12. Applicants have also expressed an apprehension regarding their safety and the fairness of the proceedings before the Court of Sessions, referring to the nature of the allegations and the religious sentiments allegedly involved.

12.1 This Court, however, finds that said apprehension is not supported by any specific material demonstrating a real and reasonable likelihood of harm to applicants or an inability to get a fair consideration of their applications before competent Court. No specific incident of threat, intimidation or obstruction has been brought to the notice of this Court which would render the pursuit of remedy before the Court of Sessions ineffective.

12.2 It is also relevant to note that applicants have been able to approach this Court and pursue their applications without any demonstrable difficulty or obstruction in accessing the judicial process, which further belies their plea. A general apprehension that the local atmosphere may be unfavourable, or that the allegations may evoke strong sentiments, cannot, without foundational facts being brought on record, be treated as sufficient to warrant direct invocation of the jurisdiction of this Court, and, therefore, even this ground is liable to be rejected.



iv. Apprehension of Imminent Arrest

13. The applicants have also relied upon their apprehension of imminent arrest as a circumstance warranting direct invocation of the jurisdiction of this Court.

In this regard, this Court finds that the FIR in question was registered on 06.06.2026; investigation qua other accused persons has already been completed and charge-sheet has already been filed on 02.09.2026; said accused persons have subsequently been enlarged on bail by the Hon'ble Supreme Court vide order dated 28.09.2026; and notwithstanding the same, the applicants have not been arrested till date.

It is also pertinent to note that applicant – Smt. Puspika remained present before this Court during the hearing of present applications, however, notwithstanding the absence of any interim protection, no arrest of said applicant has been effected thus far. While this circumstance, by itself, may not conclusively rule out the possibility of arrest, it does not lend sufficient support to the plea that the applicants face such an imminent threat of arrest which would justify bypassing the jurisdiction of the Court of Sessions.

Therefore, seen from any vantage point, no special or extraordinary circumstance has been established by the applicants warranting direct invocation of the jurisdiction of this Court in the present case.

C. Statutory Bar under Section 18 of the SC/ST Act

14. Insofar as the objection regarding maintainability of anticipatory bail application in view of the statutory embargo



contained in Section 18 of the SC/ST Act is concerned, upon a specific query being put by this Court as to whether the applicants are / continued to be members of SC/ST or had converted to Christianity, Investigating Officer submitted that the matter would require investigation from the applicants specifically in that regard, however, submitted that certain material was available on record indicating that applicants had been professing and propagating Christianity.

Having regard to the nature of the submissions and the material presently available on record, this Court is of the considered opinion that, in the absence of specific and conclusive material bearing upon aforesaid aspect, it would not be appropriate to record any definitive finding thereon at this stage. Accordingly, the question as to whether the statutory bar under Section 18 of the SC/ST Act operates in the present case is left open, to be considered by the competent Court in accordance with law, on the basis of the material placed before it.

III. Conclusion : -

15. Having considered the submissions advanced on behalf of the parties, the material placed on record and the principles emerging from aforesaid authorities, this Court is of the considered opinion that the circumstances relied upon by the applicants do not constitute extraordinary or special circumstances as to justify bypassing the jurisdiction of learned Court of Sessions / special court having jurisdiction over the matter.



16. Accordingly, present anticipatory bail applications are **dismissed**, without having expressed any opinion on the merits / demerits of the prayer for anticipatory bail.

17. Applicants shall be at liberty to approach the concerned Court of Sessions / Special Court having jurisdiction over the matter, by way of an appropriate application seeking anticipatory bail. In the event such an application is filed, the Court concerned shall consider and decide the same expeditiously, strictly in accordance with law and on its own merits, without being influenced by any observation made herein.

(SANJEET PUROHIT),J

.../Sumer Singh