Asheesh Kumar v. State of U.P.

Whether anticipatory bail under Section 482 BNSS is maintainable in a complaint case where only summoning has taken place.

Date of Order: June 18, 2025
Case Law No: GIB-AHC-2025-73
Source: GST INDIA Biz (www.gstindia.biz)

CASE DESCRIPTION / SUMMARY

Background

The applicant sought anticipatory bail under Section 482 BNSS in a complaint case under Sections 452, 392, 323, 504 and 506 IPC in Shahjahanpur, and claimed parity with a co-accused who had already been granted anticipatory bail. The State objected that anticipatory bail is not maintainable in a complaint case at the summoning stage, since there is no apprehension of arrest.

Final Verdict

The Court noted that the basic requirements of Section 482 BNSS are an accusation of a non-bailable offence and an apprehension of arrest, and that **the section does not provide for maintainability of anticipatory bail where the court has only issued a summons or warrant in a complaint case.** The question was therefore held to need determination, and the Court reserved its judgment on it.

In the meantime, because the co-accused had interim anticipatory bail, the applicant was also granted interim anticipatory bail till delivery of judgment, with conditions to be available for interrogation, not to threaten witnesses and not to leave India without permission.

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