

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 35 OF 2021

SUBHAM KAR CHAUDHURI

.... APPLICANT

Versus

THE STATE OF GOA, THR. PUBLIC
PROSECUTOR AND ANR

.... RESPONDENTS

Mr. C.A. Ferreira with Mr. Ryan da Piedade Menezes, Mr. Rui Gomes Pereira, Ms. Gina Maria Almeida, Mr. Shane Gomes Pereira and Mr. Nigel John Fernandes, Advocates for the Applicant.

Mr. S.G. Bhobe, Public Prosecutor for Respondent No. 1.

Coram:- M.S. JAWALKAR, J.

Date:- 3rd March 2021.

P.C.

Heard Mr. C.A. Ferreira, the learned Counsel for the applicant and Mr. S.G. Bhobe, the learned Public Prosecutor for respondent no. 1.

2. This is an application under Section 438 of the Code of Criminal Procedure, 1973 (Cr.P.C.) filed by the applicant seeking transit anticipatory bail. The applicant is apprehending arrest in connection with FIR No. 49/2021 dated 04.02.2021 of the Cyber Crime Cell of P.S. Special Cell of Delhi Police for offences under Sections 124A and 153A read with Section 120B of the Indian Penal Code.

3. The applicant states that he is an ardent environmentalist, actively involved in seeking ecologically sustainable solutions and proposing an environment oriented approach towards policy making. He states that he has volunteered for a well known environmental organization called “Extinction Rebellion” and is presently the South Asia Liaison in charge of the organization. The applicant states that he has been a resident of Goa since August, 2020 and that he is a law abiding citizen with no antecedents or criminal background. He states that he hails from a respectable family and that he has strong roots in the society.

4. It is the contention of the applicant that one Nikita Jacob, Shantanu Muluk and Disha Ravi are alleged to have conspired to create the online “toolkit” and the applicant reiterates that he has nothing to do with the making of the alleged “toolkit”. It is contented that he has been falsely implicated and that he has no connection whatsoever in the offences alleged in the said FIR. It is further submitted that said Shantanu Muluk by order dated 16.02.2021 passed by the High Court of Judicature at Bombay Bench at Aurangabad is granted transit anticipatory bail of ten days and thereafter, the

said protection is continued vide order dated 24.02.2021 passed by the Delhi Sessions Court. Similarly, Nikita Jacob vide order dated 17.02.2021 passed by the High Court of Judicature at Bombay is granted transit anticipatory bail for three weeks. It is submitted that moreover, Disha Ravi, who was arrested by Delhi Police is also granted bail vide order dated 23.02.2021 passed by the Delhi Sessions Court. In view of this, the learned Counsel for the applicant prays for grant of transit anticipatory bail.

5. Mr. S.G. Bhobe, the learned Public Prosecutor for respondent no. 1/State of Goa submitted that he is bound by the order passed by this Court (Aurangabad Bench) in the case of **Shantanu Shivlal Muluk Vs. State of Maharashtra** (Anticipatory Bail Application No. 154 of 2021 dated 16.02.2021). However, he has nothing to say.

6. In this matter respondent no. 2 was permitted to be served by e-mail. Accordingly, he was served and affidavit to that effect is placed on record. The learned Counsel for the applicant also pointed out that in the case of **Shantanu Shivlal Muluk** (supra), respondent no. 2 herein, was not even a party

respondent. I have gone through the orders passed by this Court (Aurangabad Bench) as well as the order passed by the Principal Bench of this Court. The applicant is seeking transit anticipatory bail in connection with FIR No. 49/2021 dated 04.02.2021 registered at Special Cell of Delhi Police for offences punishable under Sections 124A and 153A read with Section 120B of IPC. The applicant submits that he is resident of Goa since August, 2020 and as the offence has been registered at New Delhi, it would take time to reach to New Delhi and to file an application for anticipatory bail.

7. The apprehension of arrest is made out by the applicant. The reasons for apprehension of arrest is justified in the facts and circumstances set out. Admittedly, FIR is lodged at New Delhi and any regular application for anticipatory bail under Section 438 of Cr.P.C. would be considered by the competent Court at Delhi. Therefore, the applicant is entitled for protection by way of granting transit bail to approach to the competent authority for seeking appropriate reliefs. This Court while granting transit anticipatory bail in the case of **Shantanu Shivlal Muluk** (supra) elaborately discussed the relevant citations, which I need not repeat. Therefore, in the interest of

justice, without going into the merits of the matter, just to enable the applicant to approach the competent authority for seeking appropriate relief, the applicant is granted the relief as prayed. Hence, I proceed to pass the following order:

O R D E R

- (i) In the event of arrest in connection with FIR No. 49/2021 dated 04.02.2021 of the Cyber Crime Cell of P.S. Special Cell of Delhi Police for offences punishable under Sections 124A and 153A read with Section 120B of the Indian Penal Code, the applicant, Shubham Kar Chaudhuri, be released on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or more sureties in the like amount.
- (ii) The protection is granted for a period of 10 days from today ie. from 03.03.2021 to 12.03.2021 in order to enable the applicant to approach the competent Court for seeking appropriate reliefs.
- (iii) The application is disposed of.

8. All concerned to act on the basis of an authenticated copy of this Order.

M.S. JAWALKAR, J.

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