



Crl.O.P.No.18934 of 2023

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Orders Reserved on
22.08.2023

Orders Pronounced on
30.08.2023

Crl.O.P.No.18934 of 2023

RMT. TEEKAA RAMAN.,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 420 and 409 of I.P.C in Crime No.46 of 2023 on the file of the respondent police, seeks inter state anticipatory bail.

2.The case of the prosecution is that, the de-facto complainant who was running the company in dealing with the metal scraps and the petitioner herein said to have received a sum of Rs.4.86 crores as an advance for supply of scrap material and the amount was not returned and the F.I.R is registered at Jigani Police Station, Bangalore District and the jurisdiction court is JMFC Court, Anekal, Bangalore. The one of the main contention is that there is no details have been described in the F.I.R. and hence the complaint.



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3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case and the petitioner is no way connected to the alleged crime. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the case is pending before the Bangalore jurisdiction and the same is investigated by the Inspector of Police, Jigani Police Station, Bangalore District in Crime No.46 of 2023. Hence, he opposed to grant anticipatory bail to the petitioner.

5.(a) The essential elements of transit anticipatory bail, power of the Court granting anticipatory bail is limited by the principal of territory jurisdiction in granting the bail.

(b) In the decision reported in CDJ 2022 MHC 002 [A.Kutbuddin. Bhai Vs.The State rep.by its the Inspector of Police, Chennai & others], has held as under:-

"6. The issue as to whether, in respect of the persons who have been accused of a non-bailable offence, committed beyond the territorial jurisdiction of the State of Tamil Nadu, and if his arrest is sought within the



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jurisdiction of this Court, irrespective of the fact that he is a resident of the place over which this Court can grant anticipatory bail under Section 438 Cr.P.C., came up for consideration before a Division Bench of this Court in the case of S.P.Shanthi Swaroop V. State of Tamil Nadu, rep.By Asst.Commissioner of Police, Central Crime Branch, Madras reported in 1992 L.W(Crl).475. After elaborate discussion, decisions and considering the ratio laid down by the Patna High Court in Syed Safrul Hassan V. State, the Division Bench has passed the following order:-

"For the foregoing reasons, we hold that the High Court or the Court of Session has got power under Section 438 Cr.P.C. To grant anticipatory bail irrespective of the locale of the Commission of the offence. In other words, in respect of persons who have been accused of a non-bailable offence committed beyond the territorial jurisdiction of the State of Tamil Nadu, if their arrest is sought within the jurisdiction of this Court, irrespective of the fact that they are residents of the place over which this Court can grant anticipatory bail. However, we wish to observe that while granting anticipatory bail, this Court has to restrict the relief for a limited period



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and to direct the concerned persons to move the Court which is having jurisdiction over the matter in the meantime and also impose such condition so as to make the petitioner available for interrogation by the concerned police in the meantime. The reference is answered accordingly."

6. Taking into consideration of the facts and circumstance of the case, it is needless to state that F.I.R is not an encyclopedia with bundle of facts. I am perused the contents of the F.I.R and the allegation contained therein are for investigation. since the case is of Bangalore jurisdiction of the Bangalore High Court and the case is pending for investigation by the Inspector of Police, Jigani Police Station, Bangalore District in Crime No.46 of 2023, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, based upon the ratio laid down in the above said case, this Criminal Original Petition is dismissed.

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order in
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