



CrI.O.P.No.31363 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.O.P.No.31363 of 2024

Sangeetha VG

... Petitioner

Versus

1. Inspector of Police,
221, SH 49, Saraswathi Nagar,
Neelankarai, Chennai,
Tamil Nadu – 600 115.

2. Inspector of Police,
Nemom Police Station,
The Station House Officer, Nemom,
PO Thiruvananthapuram,
Kerala – 695 020.

... Respondents

Prayer:- Criminal Original Petition filed under Section 438 of Cr.P.C to grant Transit anticipatory bail to the petitioners in the event of their arrest or on their appearance before any court in connection with the case in Crime No.1460 of 2024 pending on the file of the second respondent police so as to enable the petitioners to move the appropriate court.



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For Petitioner : Mr.Anirudh A Sriram

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 318, 3(5) of the BNS Act, 2023 and 66(D) of the Information Technology Act, 2000 in Crime No.1460 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is linked to crypto-currency related business transactions and is responsible for activities connected to Crime No.1460 of 2024, despite her claims of no involvement.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and has been falsely implicated in this case.

4. An FIR was registered under Sections 318 and 3(5) of the BNS Act, 2023, and Section 66(D) of the Information Technology Act, 2000, by the second



respondent police against Arthimohan and one Adhithyavarma. The second respondent police contacted the petitioner through phone, requiring her to appear before them for an enquiry regarding the above-mentioned case registered against Arthimohan and Adhithyavarma in FIR No. 1460 of 2024, dated 14.10.2024.

5. The learned counsel for the petitioner, relying upon the judgment of the Hon'ble Supreme Court in SLP (Crl) Nos. 11423 to 11426 of 2023, dated 20.11.2023, requested this Court to pass an order of interim protection for the limited purpose of availing anticipatory bail before the jurisdictional court.

6. The relevant portion of the said judgement is extracted as follows:-

“36. In view of what we have discussed above, we are of the view that Considering the constitutional imperative of protecting a citizen's right to life, personal liberty and dignity, the High Court or the Court of Session could grant limited anticipatory bail in the form of an interim protection under Section 438 of CrPC in the interest of justice with respect to an FIR registered outside the territorial jurisdiction of the said Court, and subject to the following conditions

(i) Prior to passing an order of limited anticipatory bail, the investigating officer and public prosecutor who are seized of the FIR shall be issued notice on the first date of the hearing,



though the Court in an appropriate case would have the discretion to grant interim anticipatory bail.

(ii) The order of grant of limited anticipatory bail must record reasons as to why the applicant apprehends an inter-state arrest and the impact of such grant of limited anticipatory bail or interim protection, as the case may be, on the status of the investigation.

(iii) The jurisdiction in which the cognizance of the offence has been taken does not exclude the said offence from the scope of anticipatory bail by way of a State Amendment to Section 438 of CrPC.

(iv) The applicant for anticipatory bail must satisfy the Court regarding his inability to seek anticipatory bail from the Court which has the territorial jurisdiction to take cognizance of the offence. The grounds raised by the applicant may be -

a. a reasonable and immediate threat to life, personal liberty and bodily harm in the jurisdiction where the FIR is registered;

b. the apprehension of violation of right to liberty or impediments owing to arbitrariness;

c. the medical status/ disability of the person seeking extra- territorial limited anticipatory bail.”

7. Fully fortified by the reasoning of the above-said judgment, this Court



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hereby grants interim protection to the petitioner to facilitate her in filing an application for anticipatory bail before the jurisdictional court within three weeks from the date of receipt of a copy of this order. The respondent police are directed not to harass the petitioner in any manner during this period. The petitioner shall file an application for anticipatory bail before the jurisdictional court within the stipulated period of three weeks.

8. Accordingly, this criminal original petition is allowed. The petitioner shall comply with all the conditions mandated by the Hon'ble Supreme Court, as extracted hereinabove.

27.12.2024

skr/dpa

To

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L.VICTORIA GOWRI, J.

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