Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 33074 of 2026

CNR: {HCMA012720572026}

Case QR

1. Mohammed Mudassir
   S/o Mohammed Abdul Raheem,
   No. 13/2, 2nd Floor, Mylapore Street,
   Royapettah, Chennai.
2. Karthik Ganesan
   R/o.3/38, C-Block, S3, Srivari Flats,Mudichur,
   Chennai- 600048

3. S/o Ganesan,
   R/o.3/38, C-Block, S3, Srivari Flats, Mudichur,
   Chennai.
   Venkatramanan

4. Flat No. 52, 2nd Floor, A Block, DAC
   Apartment, Gokul Nagar, No.59/1, Sai Nagar,
   Tambaram West, Kancheepuram.
   Flat No. 52, 2nd Floor, A Block, DAC
   Apartment, Gokul Nagar, No.59/1, Sai Nagar,
   Tambaram westKancheepuram

..Petitioner(s)

Vs

1. The Deputy Commissioner of Police
   IFSO Unit (Cyber Crime Unit),
   Delhi Sector, No.16C, Dwarka,
   New Delhi,
   Delhi.
2. The Sub Inspector
   Intelligence Fusion and Strategic Operations,
   IFSO/CCU, Special Cell,
   Delhi Police, Sector-16C, Dwarka,
   New Delhi.

3. The Commissioner of Police
   Commissioner Office Building,

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No.132, EVK Sampath Road,
Vepery, Chennai.

4. The Inspector of Police
C3, Manimangalam Police Station,
Mudichur-Sriperumbudur Road,
Manimangalam, Chennai.

5. The Inspector of Police
S11 Tambaram Police Station,
Muthulingam Street, New Market,
West Tambaram,
Chennai.
Tamilnadu.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of BNSS praying to grant the petitioners interstate anticipatory bail in the event of his arrest in connection with E-FIR No.100/2025 dated 01-10-2025 registered by the Special Cell (IFSO), Delhi Police, for the offences referred to in the notices, to enable him to approach the competent court at Delhi and pass such order or other order that this Honorable Court.

For Petitioner(s): Mr.H.Syed Alim

For Respondent(s): Mr.R.Rajasekaran
Counsel for Government (Crl. Side)

ORDER

This is a petition for anticipatory bail under Section 482 of the BNSS. The three petitioners, who live in and around Chennai, apprehend arrest in e-FIR No.100 of 2025 of the Special Cell (IFSO), Delhi Police, which the notices issued to them describe as registered on 09.10.2025 for offences under Sections

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308, 318(4), 319, 340 and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS). Section 318(4) carries imprisonment which may extend to seven years. Section 308 is named without its sub-section. The prayer is for what the petition calls *"interstate anticipatory bail"*. The first information report in the typed set is FIR No.0100 of 2025 of the Cyber Police Station, Dwarka, dated 01.10.2025, under Sections 318(4), 61(2) and 3(5) of the BNS, on a complaint of a fraud committed on 20.09.2025 by persons unknown. Its police station, its date and its sections differ from those in the notices, and the petition does not explain the difference. I proceed on the notices, since they are the process the petitioners face.

2. The petitioners are associated with M/s. Amazze Vision and Sensing Solutions Private Limited. They say that its current account with IndusInd Bank, R.K. Salai Branch, was frozen in July 2025 on the direction of the Superintendent of Police, CCD-1, Karnataka, that the bank unfroze it on 18.09.2025 without telling them, and that a series of transactions passed through it between 03.10.2025 and 06.10.2025, after which complaints were made in several States. On 03.11.2026, a Sub-Inspector of the IFSO issued to each petitioner a notice under Section 35(3) of the BNSS, in Form No.1 of the Second Schedule, directing him to appear at the IFSO office, Sector-16C, Dwarka, New Delhi, on 12.11.2026. On the same day a notice under Section 94

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of the BNSS directed the first petitioner to produce six mobile phones, two SIM cards and the company's bank records there on 10.11.2026. According to the petition, the first and second petitioners appeared before the investigating team at the bank's branch in Chennai on 03.11.2026 and gave their explanations. By a letter dated 10.11.2026, sent by Speed Post, the petitioners informed the first and second respondents of this petition. There is no appearance for the Delhi Police.

3. Learned counsel for the petitioners made these submissions.

[a] The petitioners did not initiate or authorise the transactions. No alert or OTP reached them, and the company had itself reported the transactions and stopped using the account.

[b] The SIM card said to have been used was traced to Bombay on a day when the first petitioner was in Chennai, and the IMEI number of that device is not that of his handset.

[c] On 02.11.2026, police officials came to the first petitioner's house, took his mobile phone and threatened to arrest him and take him to Delhi at once without a warrant.

[d] The first petitioner's mother is under treatment for colon cancer.

[e] The petitioners have cooperated with the investigation. They seek protection only for a limited period to approach the court at Delhi, and

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the power to grant it is recognised in **Priya Indoria v. State of Karnataka, (2024) 4 SCC 749 : 2023 INSC 1008**.

4. I have considered the rival submissions and perused the material placed before me.

5. A High Court may grant limited anticipatory bail, in the form of interim protection, in respect of a crime registered outside its territorial jurisdiction, but only in exceptional and compelling circumstances, where refusal would cause irremediable and irreversible prejudice to the applicant before he can approach the court of competent jurisdiction, as held in **Priya Indoria** (cited supra) at paragraphs 36 and 37. The applicant must show a link with the territory of the court approached, by residence or work, and an imminent apprehension of arrest (paragraph 40). He must also satisfy the court why he cannot seek anticipatory bail from the court which has jurisdiction. The grounds illustrated in paragraph 36(iv) are a reasonable and immediate threat to life, personal liberty or bodily harm in that jurisdiction, an apprehended violation of liberty owing to arbitrariness, and *"the medical status/ disability of the person seeking extra-territorial limited anticipatory bail"*. I applied that decision in Crl.O.P. No.24863 of 2026, dated 02.11.2026, to a Delhi cyber

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crime in which the only process was a notice under Section 35(3).

6. The petitioners live in Chennai and its suburbs, and the link with this Court is shown. The apprehension of arrest is another matter. The process issued to each of the petitioners is a notice under Section 35(3) of the BNSS. Section 35(5) provides:

> *"Where such person complies and continues to comply with the notice, he shall not be arrested in respect of the offence referred to in the notice unless, for reasons to be recorded, the police officer is of the opinion that he ought to be arrested."*

For offences punishable with imprisonment up to seven years, the notice is the rule, and an arrest under Section 35(6) read with Section 35(1)(b) after such a notice is an exception, to be used with circumspection, as held in **Satender Kumar Antil v. Central Bureau of Investigation, 2026 INSC 115**. The incident of 02.11.2026 is the petitioners' account alone. The Delhi Police have not answered it, and I record no finding on it. The officers who came to Chennai arrested no one. On the next day they issued notices under Section 35(3) to all three petitioners and questioned the first and second petitioners at Chennai, again without arresting them. The investigating agency has taken the

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course which the statute prescribes in place of arrest.

7. Nor does the petition show why the court having jurisdiction at Delhi cannot be approached. None of the grounds in paragraph 36(iv) of **Priya Indoria** (cited supra) is pleaded. The only reason given is the fear of arrest at Delhi while answering the notices, and Section 35(5) answers that fear for as long as they comply. An application for anticipatory bail can be made at Delhi through counsel, and the petition does not say that one was attempted. The illness of the first petitioner's mother is a real hardship, and the medical records filed show that she has been treated for it. Paragraph 36(iv) speaks of the applicant's own condition, however, and a family circumstance of this kind goes to the merits of a prayer for bail, which the court at Delhi may weigh, and not to the choice of the court that hears it. The bank's unfreezing of the account and the discrepancy about the SIM card and the IMEI number are matters for the investigation. I express no opinion on them.

8. In the result, this Criminal Original Petition is dismissed.

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To

1. Delhi Sector, No.16C, Dwarka,
   New Delhi,
   Delhi.
2. The Sub Inspector
   Intelligence Fusion and Strategic Operations,
   IFSO/CCU, Special Cell,
   Delhi Police, Sector-16C, Dwarka,
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5. The Inspector of Police
   S11 Tambaram Police Station,
   Muthulingam Street, New Market,
   West Tambaram,
   Chennai.
   Tamilnadu.

6. The Public Prosecutor,
   Madras High Court.

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N.RAMESH, J.

SMA

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