

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HONOURABLE SMT. JUSTICE T. MADHAVI DEVI

CRIMINAL PETITION No.7109 of 2026

DATE: 14.05.2026

BETWEEN:

Ram Ratan Agarwal

.....Petitioner/Accused

And

The State of Telangana,
Represented by its Public Prosecutor,
High Court for the State of Telangana
Hyderabad and another

.....Respondents/Complainants

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of transit pre-arrest bail to the petitioner, who is arraigned as accused in Crime No.5878 of 2025 pending on the file of learned M.Purohit - IV Additional Chief Judicial Magistrate, Gandhidham – Kachchh, Gujarat (for short 'trial Court') on medical grounds.

2. The brief facts of the case are that the *de facto* complainant lodged a complainant before the trial Court under Section 138 of the Negotiable Instruments Act, 1881 (for short 'Act') alleging that the accused purchased raw salt from the *de facto* complainant and issued three (3) cheques in

discharge of the said payment, which were later dishonoured. Aggrieved thereby, the *de facto* complainant got issued legal notice to the accused and in turn the accused submitted his reply to the said notice denying all the contents mentioned therein. As such, notice under Section 138 of the Act was issued to the accused on 03.06.2025.

3. Learned counsel for the petitioner placed on record a copy of the medical certificate issued by KIMS Hospitals dated 11.05.2026 wherein it is mentioned that the petitioner has been diagnosed with Allergic Bronchitis and was advised to take complete rest for three (3) weeks. Learned counsel placed reliance on the decision of the Hon'ble Supreme Court in **Priya Indoria v. State of Karnataka and others**¹ in support of his contentions that this Court can exercise extra territorial jurisdiction under Article 226 and grant transit or interim pre-arrest bail for the offences committed outside the territorial jurisdiction of this Court. The conditions mentioned in the said judgment are as follows:

“93. 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 pre-arrest bail in the form of an interim protection under Section 438 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:

93.1. Prior to passing an order of limited pre-arrest bail, the investigating officer and Public Prosecutor who are seized of the FIR shall be issued notice

¹ (2024) 4 SCC 749

on the first date of the hearing, though the court in an appropriate case would have the discretion to grant interim pre-arrest bail.

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

93.3. The jurisdiction in which the cognizance of the offence has been taken does not exclude the said offence from the scope of pre-arrest bail by way of a State Amendment to Section 438 CrPC.

93.4. The applicant for pre-arrest bail must satisfy the court regarding his inability to seek pre-arrest 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 pre-arrest bail.”

4. In view of the above, the petitioner is entitled for grant of transit/pre-arrest bail.

5. On the other hand, learned Assistant Public Prosecutor opposed the grant of pre-arrest bail to the petitioner stating that allegations levelled against him are serious in nature.

6. Having regard to the fact that the petitioner is suffering from illness and has expressed his readiness to appear before the trial Court at Gujarat, this Court is inclined to grant transit/pre-arrest bail to the petitioner.

7. Accordingly, this criminal petition is allowed granting transit/pre-arrest bail to the petitioner till 14.06.2026 and within this time, he shall appear before the trial Court. It is made clear that if the petitioner does not appear before the trial Court before 14.06.2026, this order gets automatically vacated.

Miscellaneous applications, if any pending, shall stand closed.

JUSTICE T. MADHAVI DEVI

May 14, 2026

RRK/MS