NC: 2025:KHC:33085 CRL.P No. 11084 of 2025



IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE 23RD DAY OF AUGUST, 2025 BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ CRIMINAL PETITION No. 11084 OF 2025

BETWEEN:

SRI UMESH DAULAT AHUJA S/O DAULAT AHUJA AGED ABOUT 38 YEARS PERMANENT RESIDENT OF SNEH SAGAR APT FLAT No. 605 O.T. SECTION, NEAR POST OFFICE ULHASNAGAR-1, DISTRICT THANE MAHARASHTRA - 421 001.

PRESENTLY RESIDING IN C/O HIS FATHER-IN-LAW MURALI N AT: No.81/258 5TH CROSS, K R LAYOUT J P NAGAR, 6TH PHASE BENGALURU - 560 078.

...PETITIONER



AND:

THE STATE OF MAHARASHTRA BY
NAVI MUMBAI POLICE STATION
SECTOR-10, OPPOSITE RBI
CBD BELAPUR, MAHARASHTRA - 400 614.
REPRESENTED BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA BUILDING
BENGALURU - 560 001.

...RESPONDENT

(BY SRI RANGASWAMY R, HCGP)



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THIS CRL.P IS FILED UNDER SECTION 438 CR.PC (FILED U/S 482 BNNS) PRAYING TO ENLARGE HIM ON PRE-ARREST TRANSIT BAIL IN THE EVENT OF HIS ARREST IN CRIME No.0025/2025 REGISTERED BY NAVI MUMBAI POLICE STATION MAHARASHTRA FOR THE OFFENCES ALLEGED U/S 3(5), 318(4), 319(2) OF BNS ACT 2023 AND SECTION 66(D) OF INFORMATION TECHNOLOGY ACT, 2000, PENDING BEFORE FIRST CLASS MAGISTRATE, BELAPUR COURT, CBD BELAPUR, NAVI MUMBAI, MAHARASHTRA.

THIS PETITION COMING ON FOR ORDERS THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

Petitioner, with an apprehension of arrest in connection with a case registered in Crime No. 25/2025 at Navi Mumbai Police Station, Maharashtra, for the offence punishable under Section 3(5), 318(4), 319(2) of BNS, 2023 and Section 66(D) of Information Technology Act, 2000, is before this court with a prayer to grant transit anticipatory bail, for a limited period, to enable him to approach the jurisdictional Court in the State of Maharashtra.



2. The gist of the complaint lodged by one Sunil Kumar Jagadeesh Singh, can be stated as under:

Complainant is in the business of supplying building materials, having a Current Bank Account in the name of S.K.LIME DEPOT, which he uses for his business. He is also having savings accounts with the Axis Bank. In the month of December, 2022, he received an online gaming link from a online gaming website namely SAT Sports www.satsport.com and a mobile number from his friend. Based on the information provided by his friend, he logged into the website by calling the mobile number provided to him and thereafter, registered an account ID satmd12897. He invested money in different online games using the gaming platform. The amount won was visible on the website. On 21.12.2022, he transferred a sum of Rs.1,90,000/- to play Teen patti, casino and other games. He withdrew a sum of Rs.1,60,000/-, which gave confidence to him. Then he started winning small amounts and withdrew the amount, got credited into his bank



accounts. He won a sum of Rs.5,10,00,000/- but when he tried to withdraw the said amount, he could withdraw only Rs.50,00,000/- and not the remaining amount. Hence, he contacted a person named Vicky M.K., an employee of gaming website SAT Sports, but could not get any satisfactory reply. Thereafter, he found that his gaming account was blocked, that is when he realised that he was cheated.

- 3. The petitioner apprehends his arrest, as the police have visited his house and the house of his brother. It is submitted that a notice was issued under Section 35(3) of the BNSS, 2023 dated 11.07.2025, to his brother Nimesh Ahuja, wherein the police have enquired about the petitioner and they are now bent upon to arrest him, without any basis.
- 4. Learned counsel for petitioner contends that during the course of investigation, the police have arrested one Ojas Nithin Tendulkar, and it is reliably learnt that during interrogation, the said person revealed the name of



petitioner's brother, and since his brother is residing in Dubai, the police are making hectic efforts to arrest the petitioner.

- 5. Learned counsel for petitioner submitted that the petitioner was born with a congenital heart disease and suffering from various health issues (medical documents furnished). He submits that petitioner has to approach the jurisdictional Court and since he is presently residing in Bangalore, he has a reasonable apprehension of his arrest before he could approach the jurisdictional Court in the State of Maharashtra (case registered at Navi Mumbai Police Station).
- 6. The offence alleged in the FIR is under Section 3(5), 318(4), 319(2) of BNS, 2023 and Section 66(D) of Information Technology Act, 2000. The name of the petitioner is not in the FIR. It is relevant to extract Para 46 of the judgment of the Hon'ble Apex Court in the case of **Priya Indoria Vs State of Karnataka and others** (2023) 15 SCR 525 -



" 46. If a rejection of the plea for limited/transitory anticipatory bail is made solely with reference to the concept of territorial jurisdiction it would be adding a restriction to the exercise of powers under Section 438. This, in our view, would result in miscarriage and travesty of justice, aggravating the adversity of the accused who is apprehending arrest. It would also be against the principles of access to justice. We say so for the reason that an accused is presumed to be innocent until proven guilty beyond reasonable doubt and in accordance with law. In the circumstances, we hold that the Court of Session or the High Court, as the case may be, can exercise jurisdiction and entertain a plea for limited anticipatory bail even if the FIR has not been filed within its territorial jurisdiction and depending upon the facts and circumstances of the case, if the accused apprehending arrest makes out a case for grant of anticipatory bail but having regard to the fact that the FIR has not been registered within the territorial jurisdiction of the High Court or Court of Session, as the case may, at the least consider the case of the accused for grant of transit anticipatory bail which is an interim protection of limited duration till such accused approaches the competent Sessions Court or the High Court, as the case may be, for seeking full-fledged anticipatory bail.



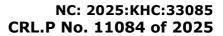
7. Having regard to the facts and circumstances of the case, petitioner has made out a case for grant of limited transitory anticipatory bail, which would enable him to approach the jurisdictional Court and seek anticipatory bail. Hence, without expressing any view on the merits of the case, the following:

ORDER

Petition is allowed.

Petitioner shall be released in the event of his arrest in Crime No.25/2025 registered by Navi Mumbai Police Station, subject to following conditions:

- a) He shall execute a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakh only) with a surety for the likesum.
- b) He shall cooperate with the investigation of the case.





This order shall remain in force for a period of 20 (Twenty) days from today.

Sd/-(MOHAMMAD NAWAZ) JUDGE

DKB

List No.: 1 SI No.: 35