

IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE 20TH DAY OF AUGUST, 2025

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ CRIMINAL PETITION NO. 11297 OF 2025

BETWEEN:

BALA SUBRAMANIAM S/O. MUTTAYA SUBRAMANIAM, AGED ABOUT 54 YEARS, R/AT: NO.14, 7TH CROSS, KGE LAYOUT, RMV 2ND STAGE, BENGALURU-560 094.

...PETITIONER

(BY SRI. LETHIF B., ADVOCATE)

<u>AND:</u>

- 1. THE STATE OF MADYA PRADESH
 BY CRIME BRANCH POLICE STATION,
 INDORE URBAN DISTRICT,
 STATE OF MADHYA PRADESH
 PIN: 452 007.
- 2. THE STATE OF KARNATAKA
 BY SANJAY NAGAR POLICE STATION,
 BANGALORE CITY,
 REP. BY SPP,
 HIGH COURT BUILDING,
 BANGALORE-560 001.

...RESPONDENTS

(BY SRI. K. NAGESWARAPPA, HCGP FOR R2)





THIS CRL.P IS FILED U/S 438 CR.PC (FILED U/S 482 BNSS) PRAYING TO GRANT TRANSIT ANTICIPATORY BAIL IN THE EVENT OF ARREST FROM 1ST RESPONDENT POLICE IN FIR NO.134/2025 BEING REGISTERED AT CRIME BRANCH POLICE STATION, INDORE URBAN DISTRICT, STATE OF MADHYA PRADESH FOR THE OFFENCE UNDER SECTION 316(5), 318(45) R/W 3(5) OF BNS.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

Petitioner is seeking transit anticipatory bail for a limited period in connection with a case registered at Crime Branch Police Station, Indoor Urban District, State of Madhya Pradesh in FIR No.134/2025 under Section 316(5), 318(4) r/w 3(5) of BNS, 2023.

- 2. In the mentioned FIR registered against three accused, petitioner is arraigned as accused No.3.
- 3. It is contended by the learned counsel that the petitioner is innocent and he has not committed any offence as alleged. As per complaint, all the investment



was received from the complainant and others on the pretext of giving profit, by accused Nos.1 and 2, Directors of one M/s.Nomex Technologies Pvt. Ltd., whereas the petitioner is not a Director or the Chief Finance Officer of the said company. It is submitted that the petitioner is a resident of Bengaluru, Karnataka State and he may be granted transit anticipatory bail for a limited period, to enable him to file an appropriate application before the jurisdictional Court.

- 4. Petitioner's counsel submits that in view of registration of the FIR, petitioner has a reasonable apprehension of his arrest and in that event, his right to approach the jurisdictional Court seeking anticipatory bail will be defeated.
- 5. It is relevant to refer to a para of the judgment of the Hon'ble Apex Court in *Priya Indoria v. State of Karnataka* and Ors. reported in (2024) 4 SCC 749 which is extracted hereunder:-



"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 fullfledged anticipatory bail.

Since anticipatory bail as well as transit anticipatory bail are intrinsically linked to personal liberty under Article 21 of the Constitution of India and since we have extended the concept of access to justice to such a situation and bearing in mind Article 14 thereof it would be necessary to give a constitutional imprimatur to the evolving provision of transit anticipatory bail. Otherwise, in a deserving case, there is likelihood of denial of personal liberty as well as access to justice for, by the time the person concerned approaches the Court of competent



jurisdiction to seek anticipatory bail. it may well be too late as he may be arrested. Needless to say, the Court granting transit anticipatory bail would obviously examine the degree and seriousness of the apprehension expressed by the person who seeks transit anticipatory bail: while the object underlying exercise of such jurisdiction is to thwart arbitrary police action and to protect personal liberty besides providing immediate access to justice though within a limited conspectus."

6. Petitioner is seeking bail for a limited period so as to approach the jurisdictional Court. A case is made out by the petitioner for grant of transit bail. Considering the facts and circumstances, there is no harm in granting transit anticipatory bail to the petitioner for a limited period. Hence, the following:

ORDER

- i. Petition is allowed.
- ii. Petitioner is granted transit anticipatory bail for a period of 15 days from today to enable him to file

- 6 -

NC: 2025:KHC:32467 CRL.P No. 11297 of 2025



necessary application before the jurisdictional Court seeking anticipatory bail, subject to following conditions:

- Petitioner shall be released on executing
 a personal bond in a sum of Rs.1,00,000/(Rupees one lakh only) in the event of his
 arrest in FIR No.134/2025 registered by
 Crime Branch Police Station, Indore Urban
 District, State of Madhya Pradesh.
- This order will remain in force for a period of 15 days from today.

Sd/-(MOHAMMAD NAWAZ) JUDGE

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List No.: 1 SI No.: 49