UPKN010065552026

IN THE COURT OF

SESSIONS JUDGE AT KANPUR NAGAR

Present:- Anmol Pal,.....H.J.S.

Transit Anticipatory Bail Application No. 2241 of 2026

Raju, aged about 42 years, son of Pyare Lal, resident of House No. 107/7, Jawahar Nagar, Police Station- Nazirabad, Kanpur Nagar, Uttar Pradesh.

….Applicant/Accused

Versus

1. State of Uttar Pradesh, through the District Government Counsel (Criminal), Kanpur Nagar.
2. District Government Counsel (D.G.C.) Crime, District and Sessions Court, South Andaman (Port Blair), A.H.W., Colony Shadipur, Shri Vijaypuram, Port Blair, Andaman and Nicobar Islands, India – 744101.

...Opposite Parties

Case Crime No./F.I.R. No.- 0053/2025
Under Sections-318(4) and 319(2) of
the Bharatiya Nyaya Sanhita, 2023
Police Station- Cyber Crime, South
Andaman Port Blair.

25.06.2026

1. The present transit anticipatory bail application has been filed on behalf of the applicant/accused Raju, son of Pyare Lal, seeking grant of transit anticipatory bail in connection with F.I.R. No. 053 of 2025, under Sections 318(4) and 319(2) of the Bharatiya

Nyaya Sanhita, 2023, Police Station Cyber Crime, South Andaman, Andaman and Nicobar Islands.

2. The applicant has averred in the application and supporting affidavit that he is innocent and has been falsely implicated in the aforesaid case. It is contended that the informant, namely Smt. Phooma Devi, in collusion with the local police, has falsely implicated him. It is further stated that the F.I.R. does not disclose the complete particulars regarding the alleged occurrence and that no offence has been committed by the applicant. The applicant has further submitted that the offences alleged are triable by a Magistrate and carry punishment of up to seven years. It has also been stated that the police authorities of South Andaman have initiated coercive action for his arrest at Kanpur Nagar and have visited his residence on several occasions. Since the case has been registered in the Union Territory of Andaman and Nicobar Islands whereas the applicant is residing at Kanpur Nagar, Uttar Pradesh, there exists a genuine apprehension of his arrest during transit while approaching the competent Court having jurisdiction over the matter. The applicant has further asserted that he has no criminal antecedents, has never been declared a proclaimed offender and undertakes to cooperate with the investigation and to appear before the competent Court concerned. On these grounds, it has been prayed that transit anticipatory bail for a limited period be granted to enable him to approach the competent Court at South Andaman, Andaman and Nicobar Islands.

3. Learned District Government Counsel (Criminal) opposed the application and submitted that the F.I.R. discloses specific allegations of cyber fraud and cheating against the applicant. It is argued that the informant alleged that she was induced through an online gaming application namely "D1.game (Fortune)" and, acting upon the representations made through the said application, transferred substantial amounts through various online transactions, resulting in a loss of approximately Rs.

15,00,000/-. It is further submitted that after inquiry conducted through the National Cyber Crime Reporting Portal, the applicant was found connected with the bank account into which the defrauded amount had been transferred. Learned D.G.C. (Criminal) contended that the allegations involve an organised cyber crime having inter-State ramifications and, therefore, the applicant is not entitled to the discretionary relief sought.

4. Heard learned counsel for the applicant and learned District Government Counsel (Criminal) for the State and perused the material available on record.

5. Briefly stated, the prosecution case, as emerging from the First Information Report, is that the informant came across an online gaming application named "D1.game (Fortune)" and, believing the representations made therein, invested money through multiple online transactions. Initially, certain returns were shown to the informant; however, subsequently her account was blocked and she was allegedly deprived of an amount aggregating to about Rs. 15,00,000/-. Upon lodging a complaint on the National Cyber Crime Reporting Portal and subsequent inquiry, the present applicant came to be nominated in the F.I.R. registered under Sections 318(4) and 319(2) of the B.N.S., 2023 at Police Station Cyber Crime, South Andaman District, Andaman and Nicobar Islands.

6. In the comments submitted by the Investigating Officer, it has been stated that during the course of investigation, it was specifically revealed that a portion of the disputed amount had been credited into Bank Account No. 10232760768 maintained in the name of M/s Zapzoom Technologies Private Limited. Documentary records collected from the concerned bank and payment intermediaries disclosed the routing of the fraud proceeds into the said account, thereby necessitating examination of the persons responsible for operating and controlling the account. On the basis of the above material, the applicant, being connected with the said entity, was issued only a

notice under Section 35(3) of the BNSS and not any warrant, as mentioned in the bail application, requiring him to appear before the Investigating Officer and explain the receipt, operation and utilisation of the disputed funds. The notice was issued strictly in accordance with law after collection of documentary evidence and not on mere suspicion. The applicant has contended that he has been falsely implicated and that the F.I.R. does not mention his name. It is respectfully submitted that in offences involving cyber fraud and money laundering through multiple banking channels, the identity of beneficiaries and participants emerges only during investigation through analysis of financial records and electronic evidence. The absence of the applicant's name in the F.I.R. does not absolve him from investigation when documentary evidence subsequently reveals routing of fraud proceeds into an account associated with him. The investigation is still at a crucial stage. The following aspects are yet to be examined:

- The applicant's role in operating and controlling the account of M/s Zapzoom Technologies Private Limited.
- The source and purpose of receipt of the disputed funds.
- The onward transfer and utilisation of the fraud proceeds.

7. The applicant has not furnished any satisfactory documentary explanation regarding the receipt and utilisation of the disputed amount despite issuance of the lawful notice. His custodial interrogation may become necessary depending upon the outcome of further investigation and examination of financial records.
8. It has also been mentioned in the comments that the plea of absence of criminal antecedents is not by itself a ground for grant of anticipatory bail in serious economic offences. The Hon'ble Supreme Court has consistently held that economic offences involving cheating and financial fraud constitute a distinct class of offences requiring a different approach while

considering anticipatory bail, particularly where investigation is incomplete.

9. In the case of **Y.S. Jagan Mohan Reddy vs. Central Bureau of Investigation AIR 2013 SUPREME COURT 1933**, the Hon'ble Supreme Court has held as under:-

> "**15)** Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offence having deep rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country."

10. Similarly, in the case of **P. Chidambaram vs. Directorate of Enforcement AIR 2019 SUPREME COURT 4198**, it has been held by the Hon'ble Supreme Court that grant of anticipatory bail, particularly in economic offences, would definitely hamper the effective investigation.

11. The present application is for transit anticipatory bail and not for anticipatory bail simpliciter. In the case of **Priya Indoria Vs. State of Karnataka and Ors. 2024(1)ACR148**, the Hon'ble Supreme Court has held as under:-

> "**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 Code of Criminal Procedure 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 interim protection, as the limited anticipatory bail or 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 Code of Criminal Procedure.
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> 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:
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> a. a reasonable and immediate threat to life, personal liberty and bodily harm in the jurisdiction where the FIR is registered;
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> 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.
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> **37.** It would be impossible to fully account for all exigent circumstances in which an order of extra-territorial anticipatory bail may be imminently essential to safeguard the fundamental rights of the applicant. We reiterate that such power to grant extra-territorial anticipatory bail should be exercised in exceptional and compelling circumstances only, which means where denying transit anticipatory bail or interim protection to enable the Applicant to make an application Under Section 438 of the Code of Criminal Procedure before a Court of competent jurisdiction would cause irremediable and irreversible prejudice to the applicant. The Court, while considering such an application for extra-territorial anticipatory bail, in case it deems fit, may grant interim protection instead for a fixed period and direct the Applicant to make an application before a Court of competent jurisdiction."

12. Therefore, in view of paragraph 37 of the aforesaid judgment, the power to grant transit anticipatory bail can be exercised only in exceptional and compelling circumstances. The present case relates to an organised cyber fraud in which substantial financial loss has allegedly been caused to the complainant. Further, in **P. Chidambaram (supra)**, the Hon'ble Supreme Court has observed that grant of anticipatory bail in economic offences would hamper effective investigation. Considering the nature of allegations and the stage of investigation, this Court is of the

opinion that this is not a fit case for exercise of discretion to grant transit anticipatory bail to the applicant.

13. Moreover, as per the report of the Investigating Officer, no warrant has been issued against the applicant/accused, and only a notice under Section 35(3) of the BNSS has been issued requiring him to appear before the Investigating Officer.

14. In view of the above, particularly the fact that no exceptional or compelling circumstance has been shown by the applicant so as to warrant the grant of transit anticipatory bail, the present application deserves to be rejected.

ORDER

15. In view of the facts and circumstances of the case, the submissions advanced by the learned counsel for the parties, the material available on record, and the law laid down by the Hon'ble Supreme Court, this Court is of the considered opinion that the applicant has failed to make out any exceptional or compelling circumstance warranting the grant of transit anticipatory bail.

16. Accordingly, the present transit anticipatory bail application is hereby rejected.

(Anmol Pal)
ID.UP1880
Sessions Judge,
Kanpur Nagar.

Date:- 25.06.2026