

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.5285 of 2026

DATE: 10.04.2026

BETWEEN:

Pawan Khera

.....petitioner/accused

And

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

.....Respondent/complainant

ORDER

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who is arrayed as accused in Crime No.04 of 2026 before the Guwahati Crime

Branch Police Station, registered for the offences punishable under Section 175 3(5), 3(6), 318, 336(4), 337, 338, 340, 341(1), 351(1), 352, 353, 356, 61(2) of BNS.

2. The brief facts of the case are that the petitioner is a reputed political leader and the official spokesperson of the Indian National Congress party. In the course of his political activities, he conducted a press meet on 04.04.2026, wherein he made certain allegations against Mr. Himanta Biswa Sharma, the Hon'ble Chief Minister of Assam. During the said press interaction, the petitioner stated that he possessed documents indicating that the complainant's wife held three passports of different nations and further alleged involvement of Mr. Sharma in various illegal activities.

3. Aggrieved by the said statements, the complainant immediately addressed the media, refuted the allegations, and allegedly threatened to have the petitioner arrested within four hours. Subsequently, a complaint was lodged before the Guwahati Crime Branch Police Station, which was registered as Case No.04 of 2026 for offences punishable under Sections 175, 3(5), 3(6), 318, 336(4), 337, 338, 340, 341(1), 351(1),

352, 353, 356, and 61(2) of the Bharatiya Nyaya Sanhita, 2023.

4. Pursuant to the registration of the FIR, the Assam Police, with the assistance of the Delhi Police, conducted search and seizure operations at the petitioner's residence in Delhi under Sections 185 and 106 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Hence, the present Criminal Petition.

5. Heard Sri Abhishek Manu Singhvi, learned Senior Counsel, A. Gridhar Rao, learned Senior Counsel and Sri A. Ravender Reddy, learned Senior Counsel representing Sri P. Ashok Goud, learned counsel appearing on behalf of the petitioner as well as Sri Devajit Lon Saikia, learned Advocate General of Assam and Sri Bhaskar Reddy, learned counsel appearing on behalf of the respondent – State.

6. Learned Senior counsel for the petitioner submitted that the present FIR is wholly unsustainable both on facts and in law. At the outset, it is contended that the allegations, even if taken at face value, pertain to statements made during a

press conference and, at best, fall within the realm of defamation. However, defamation, particularly criminal defamation, requires strict compliance with statutory ingredients, and the present complaint fails to satisfy the same. The essential ingredients of imputations made with intent to harm reputation, supported by specific material, are conspicuously absent. Therefore, the registration of the present FIR under provisions is a clear misuse of criminal law.

7. Learned Senior counsel for the petitioner further submitted that the petitioner conducted the press conference in the State of Maharashtra, and no part of the alleged cause of action has arisen within the jurisdiction of Assam. Hence, the registration of the FIR by the Guwahati Crime Branch is without territorial jurisdiction and is liable to be set aside on this ground alone. He contended that the petitioner is a resident of Delhi, and no part of the alleged offence has occurred within Delhi either. Thus, neither the authorities in Assam nor those in Delhi can claim proper jurisdiction in the absence of any foundational facts linking the alleged offence to those territories.

8. Learned Senior counsel for the petitioner contended that the present FIR is not an isolated instance but part of a pattern of harassment. Earlier, a similar FIR had been registered against the petitioner on the very same set of allegations, demonstrating clear mala fide intent and abuse of process. The multiplicity of proceedings on identical allegations is impermissible in law and that as many as nine criminal cases are stated to be pending against the petitioner, all of which arise out of political statements and are reflective of a targeted campaign to silence dissent. The present FIR is yet another attempt to intimidate and harass the petitioner for discharging his duties as a political spokesperson. On the aspect of territorial jurisdiction, it is submitted that criminal law mandates that an offence shall ordinarily be inquired into and tried by a court within whose local jurisdiction it was committed. Since the alleged statements were made in Maharashtra, only the courts in Maharashtra would have jurisdiction, if at all. The assumption of jurisdiction by the Assam Police is therefore illegal and without authority of law.

9. Learned Senior Counsel for the petitioner further contended that in Writ Petition (Criminal) No. 74 of 2023, by

order dated 23.02.2023, the Hon'ble Supreme Court entertained the petition on the limited issue of multiplicity of FIRs arising from a single press conference and granted interim protection to the petitioner by directing release on interim bail, while issuing notice on the prayer for clubbing of FIRs. Subsequently, by final order dated 20.03.2023, the Hon'ble Supreme Court directed that all subsequent FIRs registered in different States be transferred and consolidated in one jurisdiction, thereby affirming that multiple FIRs arising out of the same cause of action ought not to be allowed to continue in different jurisdictions. Therefore, he prayed the Court to grant pre-arrest bail to the petitioner by allowing this Criminal Petition.

10. In support of his submissions, learned Senior Counsel relied upon the following judgments of the Hon'ble Supreme Court, which reads are follows:

A. Gurbaksh Singh Sibbia v. State of Punjab¹, wherein paragraph No.31 it is held as follows:

¹ (1980) 2 SCC 565

“31. In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and “the larger interests of the public or the State” are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in *State v. Captain Jagjit Singh* [AIR 1962 SC 253 : (1962) 3 SCR 622 : (1962) 1 Cri LJ 216] , which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount

consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.”

B. Adri Dharan Das v. State of W.B.², wherein in paragraph No.16, it is held as follows:

“16. Section 438 is a procedural provision which is concerned with the personal liberty of an individual who is entitled to plead innocence, since he is not on the date of application for exercise of power under Section 438 of the Code convicted for the offence in respect of which he seeks bail. The applicant must show that he has “reason to believe” that he may be arrested in a non-bailable offence. Use of the expression “reason to believe” shows that the belief that the applicant may be arrested must be founded on reasonable grounds. Mere “fear” is not “belief” for which reason it is not enough for the applicant to show that he has some sort of vague apprehension that someone is going to make an accusation against him in pursuance of which he may be arrested. Grounds on which the belief of the applicant is based that he may be arrested in non-bailable offence must be capable of being

² (2005) 4 SCC 303

examined. If an application is made to the High Court or the Court of Session, it is for the court concerned to decide whether a case has been made out for granting of the relief sought. The provisions cannot be invoked after arrest of the accused. A blanket order should not be generally passed. It flows from the very language of the section which requires the applicant to show that he has reason to believe that he may be arrested. A belief can be said to be founded on reasonable grounds only if there is something tangible to go by on the basis of which it can be said that the applicant's apprehension that he may be arrested is genuine. Normally a direction should not issue to the effect that the applicant shall be released on bail "whenever arrested for whichever offence whatsoever". Such "blanket order" should not be passed as it would serve as a blanket to cover or protect any and every kind of allegedly unlawful activity. An order under Section 438 is a device to secure the individual's liberty, it is neither a passport to the commission of crimes nor a shield against any and all kinds of accusations likely or unlikely. On the facts of the case, considered in the background of the legal position set out above, this does not prima facie appear to be a case where any order in terms of Section 438 of the Code can be passed."

C. P. Krishna Mohan Reddy V. State of Andhra

Pradesh³, wherein paragraph No.27, it is held as follows:

“27. To some extent, the petitioners could be said to have made out a prima facie case of political bias or mala fides but that by itself is not sufficient to grant anticipatory bail overlooking the other prima facie materials on record. Political vendetta or bias if any is one of the relevant considerations while considering the plea of anticipatory bail. The courts should keep one thing in mind, more particularly, while considering the plea of anticipatory bail that when two groups of rival political parties are at war which may ultimately lead to litigations, more particularly, criminal prosecutions there is bound to be some element of political bias or vendetta involved in the same. However, political vendetta by itself is not sufficient for the grant of anticipatory bail. The courts should not just look into the aspect of political vendetta and ignore the other materials on record constituting a prima facie case as alleged by the State. It is only when the court is convinced more than prima facie that the allegations are frivolous and baseless, that the court may bring into the element of political vendetta into consideration for the purpose of considering the plea of anticipatory bail. The frivolity in the entire case that the court may look into should be attributed to political bias or vendetta.”

³ 2025 SCC OnLine SC 1157

11. On the other hand, learned Advocate General for the State of Assam submitted that the contentions raised by the petitioner are misconceived and untenable and that the statements made by the petitioner are not confined to simple defamation but constitute serious allegations involving false imputations, which have wider ramifications and attract multiple penal provisions. He further submitted that the impact of the petitioner's statements is not confined to the place where the press conference was held but extends to Assam, where the complainant is a public figure holding a constitutional office. The injury to reputation has been caused within the State of Assam, thereby conferring territorial jurisdiction upon the Assam Police to register and investigate the case.

12. The learned Advocate General further submitted that in the era of digital and electronic media, statements made at a press conference have nationwide circulation and impact. Therefore, the place of occurrence cannot be narrowly confined to the physical location of the press conference, and the consequences of such statements must be taken into account while determining jurisdiction. With regard to the

contention of multiple FIRs, it is submitted that each FIR pertains to distinct causes of action and different instances of defamatory statements. The mere existence of earlier FIRs does not bar the registration of a subsequent FIR if fresh cause of action arises.

13. Learned Advocate General contended that the pendency of multiple criminal cases against the petitioner is indicative of a pattern of conduct and cannot be brushed aside as mere political targeting. The petitioner cannot claim immunity from prosecution merely on the ground of being a political leader. On the issue of defamation, it is submitted that the allegations made by the petitioner are *per se* defamatory and have been made without any substantiating material. The investigation is necessary to ascertain the veracity of the petitioner's claim regarding possession of documents and to determine whether the allegations were made with malicious intent. The learned Advocate General also submitted that the question of territorial jurisdiction is a mixed question of fact and law, which requires investigation and cannot be conclusively determined at the stage of anticipatory bail. Therefore, he prayed the Court to dismiss the Criminal Petition.

14. In support of his submissions, learned Advocate General relied upon the judgment of the Hon'ble Supreme Court in **Priya Indoria v. State of Karnataka**⁴, wherein paragraph Nos.91 to 93 and 96, it is held as follows:

“91. In Brojen Gogol [State of Assam v. Brojen Gogol, (1998) 1 SCC 397 : 1998 SCC (Cri) 403] , this Court did not decide whether the Bombay High Court had the jurisdiction to entertain the anticipatory bail applications of the respondents since the crimes were registered within the State of Assam. On the short point that the State of Assam or the Assam Police were not heard before granting anticipatory bail to the respondents, this Court set aside the order of the Bombay High Court but granted protection from arrest to the respondents for a limited duration to enable them to approach the Gauhati High Court. While passing such an order, this Court however made a general observation that the question of granting anticipatory bail to any person who is allegedly connected with the offence in question, must for all practical purposes be considered by the High Court of Gauhati within whose territorial jurisdiction such activities could have been perpetrated. As we have noted above, this was a general observation made by this Court and not a declaration of law after due adjudication.

92. The Allahabad High Court in Amita Garg [Amita Garg v. State of U.P., 2022 SCC OnLine All 463] also noted that

⁴ (2024) 4 SCC 749

there is no legislation or law which defines transit or anticipatory bail in definitive or specific terms. Thereafter, the High Court proceeded to explain the term “transit” to mean the act of being moved from one place to another. Since the expression “anticipatory bail” means granting bail to an accused person who is anticipating arrest, “transit anticipatory bail” would refer to bail granted to any person who is apprehending arrest by police of a State other than the State he is presently located in. On that basis, the Allahabad High Court explained “transit anticipatory bail” to mean protection from arrest for a certain definite period. The mere fact that an accused has been granted transit anticipatory bail does not mean that the regular court under whose jurisdiction the case would fall, shall extend such transit bail and convert the same into anticipatory bail. Therefore, the Allahabad High Court held that upon the grant of transit anticipatory bail, the accused person who has been granted such bail has to apply for regular anticipatory bail before the competent court which would then consider such a prayer on its own merits. The Allahabad High Court has also held that transit anticipatory bail is a temporary relief which an accused gets for a certain period of time so that he can apply for anticipatory bail before the regular court. In this connection, Allahabad High Court heavily relied upon the decision of the Bombay High Court in *Teesta Atul Setalvad* [*Teesta Atul Setalvad v. State of Maharashtra*, 2014 SCC OnLine Bom 5140] . In that case, the Bombay High Court held that High Court of one State can grant transit bail in respect of a case registered within the jurisdiction of another High Court in exercise of the power under Section 438CrPC. The Bombay High

Court was of the view that generally the power of a High Court to grant anticipatory bail is limited to its territorial jurisdiction and that the power cannot be usurped by disregarding the principle of territorial jurisdiction. Having said that, the High Court emphasised that temporary relief to protect liberty and to avoid immediate arrest can be given by the Bombay High Court.

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 anticipatory bail in the form of an interim protection under Section 438CrPC 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 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.

93.2. 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 limited anticipatory 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 anticipatory bail by way of a State Amendment to Section 438CrPC.

93.4. 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—

(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 anticipatory bail.

96. We shall now revert to our illustration given at the beginning of this judgment. In the illustration, we have stated that if a person commits an offence in one State and the FIR is lodged within the jurisdiction where the offence was committed but the accused resides in another State he can approach the court in the other State and seek transit anticipatory bail of limited duration. We have held that the accused could approach the competent court in the State where he is residing or is visiting for a

legitimate purpose and seek the relief of limited transit anticipatory bail although the FIR is not filed in the territorial jurisdiction of the district or State in which the accused resides, or is present depending upon the facts and circumstances of each case. Conversely, the offence may be committed in one State, the FIR may be lodged in another State and the accused may reside in a third State. In which of the courts of the three States would the accused approach for grant of anticipatory bail? We feel that having regard to the salutary concept of access to justice, the accused can seek limited transit anticipatory bail or limited interim protection from the court in the State in which he resides but in such an event, a “regular” or full-fledged anticipatory bail could be sought from the competent court in the State in which the FIR is filed.”

15. This Court has carefully considered the rival submissions made by the learned Senior Counsel appearing on behalf of the petitioner and the learned Advocate General for the State of Assam appearing on behalf of the respondent, and perused the material available on record.

16. The primary objection raised by the learned Advocate General pertains to the maintainability of the present application on the ground of lack of territorial jurisdiction. However, this issue is no longer res integra in view of the law

laid down by the Hon'ble Supreme Court in **Priya Indoria** (cited supra). The Apex Court has categorically held that, having regard to the constitutional imperative of protecting personal liberty under Article 21 of the Constitution of India, the High Court or Court of Session can grant limited transit anticipatory bail, even in respect of an FIR registered outside its territorial jurisdiction, to enable the accused to approach the competent court.

17. The Hon'ble Supreme Court further clarified that such relief is temporary in nature and intended to safeguard the liberty of an individual against imminent arrest, particularly in inter-State situations. It was also held that an accused can approach a Court in a State where he is residing or even temporarily present for a legitimate purpose.

18. In the present case, the petitioner has specifically pleaded and placed material on record to demonstrate his presence in Hyderabad, including documents evidencing that his wife is a resident of Hyderabad and had contested in the Telangana Legislative Assembly elections. It is also not in dispute that the petitioner apprehends imminent arrest,

especially in the light of search and seizure operations already conducted at his residence with the assistance of local police.

19. The contention of the learned Advocate General that the petitioner can directly approach the Courts in Assam cannot be a ground to deny limited protection, particularly when there exist a reasonable apprehension of arrest. The concept of transit anticipatory bail is precisely evolved to address such situations where immediate protection is required to enable the accused to avail appropriate remedies before the competent jurisdictional court.

20. This Court observes that a perusal of the offences alleged against the petitioner under sections 175, 3(5), 3(6), 318, 336(4), 337, 338, 340, 341(1), 351(1), 352, 353, 356, 61(2) of Bharatiya Nyaya Sanhita, 2023 would indicate that, except for the offence under Section 338 BNS, all other offences invoked are punishable with imprisonment of less than seven years.

21. Without expressing any opinion on the merits of the case, this Court is of the view that the petitioner has made out

a case for grant of limited transit anticipatory bail, as his apprehension of arrest appears to be reasonable and supported by material on record.

22. Accordingly, this Court deems it appropriate to grant transit anticipatory bail to the petitioner for a limited period, subject to the following conditions:

- i. The petitioner shall be released on bail in the event of arrest in connection with Crime No.04 of 2026 on his executing a personal bond for Rs.1,00,000/- with two sureties for the like sum each to the satisfaction of the Investigating officer, Guwahati Crime Branch Police Station.
- ii. The petitioner shall cooperate with the investigation and shall make himself available for interrogation as and when required by the Investigating Officer.
- iii. The petitioner shall not directly or indirectly induce, threaten, or promise any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or the police.

- iv. The petitioner shall not tamper with the evidence or attempt to influence witnesses in any manner.
- v. The petitioner shall not leave the country without prior permission of the competent Court.
- vi. The petitioner shall, within the stipulated period, approach the competent jurisdictional Court in the State of Assam and seek appropriate relief in accordance with law.
- vii. The petitioner, being a public figure, shall exercise restraint in making any further public statements in relation to the subject matter of the present case, which may prejudice the investigation.

23. In the result, the Criminal Petition is allowed. The petitioner is granted transit anticipatory bail in the event of arrest in connection with Crime No.04 of 2026 on the file of Guwahati Crime Branch Police Station for a period of one (01) week from the date of this order, subject to the conditions stipulated above.

24. It is made clear that this order is only for the purpose of enabling the petitioner to approach the competent Court

having jurisdiction, and the said Court shall consider any application for regular/anticipatory bail on its own merits.

Miscellaneous applications, if any pending, shall stand closed.

Date: 10.04.2026
SAI

K. SUJANA, J

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.5285 of 2026

Date: 10.04.2026

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