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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment delivered on: 03.11.2025*+ **W.P.(CRL.) 602/2025 & CRL.M.A. 5602/2025 & CRL.M.A. 7062/2025, CRL. M.A. 21755/2025 & CRL.M.A. 27472/2025**

ARKA BHATTACHARYA .....Petitioner

Through: Mr. Rajdeep Bhattacharya, Mr. Arka Pritam Chowdhury, Mr. Amian Das and Mrs. Ritika Sharma, Advocates

versus

STATE .....Respondent

Through: Mr. Akhand Pratap Singh, Advocate

**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****Index to the Judgment**

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**DR. SWARANA KANTA SHARMA, J**

1. The petitioner, by way of this writ petition, seeks issuance of directions to the respondent to restrain from taking any coercive action against him in case arising out of e-FIR No. 01613312024,



registered at Police Station Nangloi (Outer), Crime Branch, Delhi.

### **FACTUAL BACKGROUND**

2. Briefly stated, the facts of the case are that the present FIR was registered on 06.06.2024 at P.S. Nangloi, Delhi, regarding theft of a white Kia Seltos car. On the same day, co-accused Raj Babu @ Akib was apprehended near Sarai Kale Khan Bus Terminal and the stolen vehicle was recovered from his possession. Investigation into the case revealed that co-accused Raj Babu had been stealing cars in Delhi-NCR on the directions of one Khwaja Sharik Hussain @ Sharik @ Sata and one Amir Pasha, both based out of Dubai, UAE, and had supplied about 40-50 stolen vehicles to receivers including co-accused Sumit Jalan. Thereafter, co-accused Sumit Jalan was arrested on 10.09.2024 who disclosed that he had purchased total-loss vehicles from insurance auctions, tampered with their chassis and engine numbers to match stolen cars, and resold them. He also admitted to having received 40-50 stolen vehicles from Raj Babu and having further sold several of those vehicles to dealers in Kolkata. As alleged, he had specifically disclosed that he had sold about 8-10 vehicles to Shailender @ Raj Shaw and Arka Bhattacharya, both residents of Kolkata, West Bengal. Thus, an organized crime syndicate led by Sharik @ Sata, operating from Dubai, concerning large-scale vehicle thefts across India was revealed during investigation. Consequently, on 21.09.24, Sections 3/4 of the Maharashtra Control of Organised Crime Act, 1999 [hereafter



‘MCOCA’] were invoked in the present case after the approval of Competent Authority.

3. During the course of investigation, co-accused Sumit Jalan disclosed that he used to purchase stolen vehicles from one Mohd. Rais @ Mulla (since arrested) and that several of those stolen cars were further sold by him through intermediaries, namely Arka Bhattacharya (petitioner) and Shailendra Shaw @ Raj Shaw, both residents of Kolkata, West Bengal. Acting upon this disclosure, three vehicles bearing tampered engine and chassis numbers were recovered from one Navjot Singh, a resident of Punjab. Navjot Singh was examined during investigation and he allegedly disclosed that the said three vehicles had been sold to him by Arka Bhattacharya, who had also provided him with all related documents and sale affidavits. These documents and affidavits were seized by the Investigating Officer during the course of investigation. Navjot Singh also produced a photograph showing accused Arka Bhattacharya standing beside one of the recovered vehicles, i.e. a Hyundai Creta bearing registration number NL07CB0791, at the time of delivery. He further stated that one of the recovered cars, a Toyota Fortuner, had been got registered by Arka Bhattacharya in the name of his cousin, Gursimran Singh, prior to its delivery to him. Subsequent verification revealed that the recovered Toyota Fortuner bearing registration number CH01CU5742 had previously been registered at RTO Kharar, Punjab, under registration number PB27J5493. All three vehicles were sent to FSL, Rohini, for forensic examination, and the



report obtained confirmed that the engine and chassis numbers of each of the vehicles had been tampered with or erased. The investigation further revealed that accused/petitioner Arka Bhattacharya, in connivance with co-accused Sumit Jalan, had knowingly prepared forged sale affidavits in respect of the aforesaid vehicles to create a façade of authenticity and thereby induce confidence in the buyer, Navjot Singh. The financial investigation also established monetary transactions between the two accused: it was found that Sumit Jalan had received ₹30,40,000/- in his bank accounts from Arka Bhattacharya, and in turn, had transferred ₹20,06,994/- to Arka Bhattacharya's account during the period from December, 2016 to February 2024. It was further revealed that both Arka Bhattacharya and Sumit Jalan had received payments from Navjot Singh in their respective bank accounts around the same period corresponding to the delivery of the aforementioned vehicles.

4. Pertinently, on 31.01.2025, the petitioner was arrested from Kolkata, West Bengal, in connection with the present case, pursuant to Non-Bailable Warrants issued against him, and was produced before the Court of the learned ACJM, Alipore, Kolkata, West Bengal [hereafter 'ACJM, Alipore']. The Investigating Officer sought a three-day transit remand of the petitioner to produce him before the concerned Court in Delhi; however, the learned ACJM, Alipore declined to grant transit remand, observing that there had been non-compliance with Sections 75 and 78(2) of the Cr.P.C. The learned ACJM, Alipore instead granted transit interim bail to the petitioner,



directing him to appear before the concerned Court in Delhi on or before 14.02.2025. On 10.02.2025, the petitioner sought an extension of time to surrender before the concerned Court, which was allowed by the learned ACJM, Alipore, extending the period till 21.02.2025.

5. The petitioner thereafter filed the present writ petition before this Court on 14.02.2025, which came up for hearing on 20.02.2025. On that date, the Predecessor Bench of this Court issued notice in the main petition, returnable on 13.05.2025, and passed the following interim directions:

“7. Mr. Choudhary, learned counsel for the petitioner, states that the petitioner shall move a regular bail application before the concerned Sessions Court, however, on account of the ongoing strike at the Trial Court, he is unable to do so.

8. Issue notice. Mr. Sinha, learned ASC, accepts notice and seeks four weeks to file a reply.

9. Since the petitioner is unable to avail of his valuable right to be heard in a bail application, it is directed that the period of petitioner's surrender is extended till 28.02.2025. In the meanwhile, the petitioner shall apply for regular bail before the concerned Court.”

6. Pursuant thereto, on 21.02.2025, the petitioner moved an application before the learned ACJM, Alipore, informing the Court that this Court had extended the time for his surrender till 28.02.2025. The learned ACJM, Alipore extended the petitioner's interim bail till 03.03.2025.

7. The petitioner thereafter filed an application seeking regular bail before the learned Additional Sessions Judge-03, West District, Tis Hazari Courts, Delhi [hereafter ‘*Sessions Court*’]. However, the



said application was dismissed *vide* order dated 01.03.2025 on the ground that the bail application had been filed on similar grounds already raised before this Court in the present writ petition, and adjudicating the same would be against judicial propriety. The learned Sessions Court further observed that since the petitioner had been granted only transit bail by the learned ACJM, Alipore, his application for regular bail could not be considered unless he first surrendered before the concerned Court.

8. Despite the above, the petitioner did not surrender before the Sessions Court and instead filed CRL.M.A. 7062/2025 before this Court, seeking an extension of the interim protection earlier granted to him. Meanwhile, before the learned ACJM, Alipore, the petitioner's counsel submitted that the matter was pending before the High Court of Delhi, upon which the case was adjourned on multiple occasions.

9. Subsequently, on 24.03.2025, the charge-sheet in the present case was filed, invoking Sections 3 and 4 of the MCOCA, naming the present petitioner as an accused.

10. On 22.04.2025, this Court clarified that there was neither any stay of proceedings in the case nor any protection granted to the petitioner. The said application, CRL.M.A. 7062/2025, seeking extension of protection, however remains pending before this Court.

11. Thereafter, on 22.07.2025, the petitioner filed another application, being CRL.M.A. 21755/2025, seeking interim protection



from arrest and any coercive action, and submitted that the learned ACJM, Alipore, had extended his transit bail till 09.09.2025.

12. On 10.09.2025, the petitioner filed another application (CRL.M.A. 27472/2025) before this Court, seeking stay of proceedings against him, on the ground that the learned Sessions is repeatedly summoning him to appear before the Court despite pendency of the matter before this Court.

#### **SUBMISSIONS BEFORE THE COURT**

13. The learned counsel appearing for the petitioner argues that the petitioner has been falsely implicated in the present case. It is argued that the petitioner is a bona fide citizen of India and a law-abiding second-hand automobile dealer, who has been unnecessarily dragged into the present proceedings merely because a vehicle once registered in his name was later found to have been misused by third parties. It is stated that the petitioner had lawfully sold the said vehicle after verifying its status on the Government's official *mVahan* portal, which revealed no encumbrance or dispute at the time of sale. The subsequent purchaser, however, failed to transfer the vehicle's registration in his own name, resulting in the petitioner's name continuing to appear in the records – a purely clerical lapse for which, it is argued, he cannot be held criminally liable. The learned counsel submits that the petitioner had exercised due diligence prior to entering into the said transaction and that the invocation of provisions under the MCOCA against him is mechanical and devoid



of any application of mind. It is further contended that the petitioner suffers from serious health issues, including severely impaired vision and a history of multiple surgeries, and that his continued detention would be disproportionately harsh, prejudicial, and potentially life-threatening. It is contended that the petitioner has cooperated fully during investigation and had also expressed his willingness to appear before the learned Sessions Court, as directed by this Court. However, his application for regular bail was dismissed by the learned Sessions Court in view of the pendency of the present writ petition before this Court. The learned counsel submits that the petitioner is thus placed in a peculiar position where, although he continues to remain on interim transit bail granted by the learned ACJM, Alipore, his regular bail application has not been adjudicated since the legality of his arrest is under consideration before this Court. It is therefore prayed that the present petition be allowed.

14. *Per contra*, the learned SPP appearing for the State submits that the allegations in the present case are grave and serious, involving large-scale theft, tampering, and resale of stolen vehicles as part of a transnational organised crime syndicate. The petitioner, it is argued, has been specifically named as one of the beneficiaries who sold some of the stolen vehicles to one Navjot Singh and received substantial payments in return. These allegations, according to the State, are duly corroborated by documentary evidence placed on record, including financial transactions between the petitioner and co-accused persons. It is further submitted that the petitioner has been



misusing the process of law. The learned SPP points out that although the petitioner was granted transit bail by the learned ACJM, Alipore, with a clear direction to surrender before the learned Sessions Court in Delhi, he has failed to do so till date. Despite repeated directions by the learned Sessions Court requiring his personal appearance, particularly after cognizance was taken in the case, the petitioner has chosen not to comply. Instead, he has continued to prosecute the present writ proceedings before this Court while simultaneously approaching the learned ACJM, Alipore, to seek repeated extensions of his interim transit bail, even though that court ceased to have jurisdiction once the period for surrender had expired. The learned SPP also highlights that this Court, *vide* its order dated 22.04.2025, had categorically clarified that there was neither any stay of proceedings in the case nor any protection granted to the petitioner. Therefore, in the absence of any subsisting protection, the petitioner was legally obliged to surrender before the Sessions Court. It is further contended that, since the petitioner has already been arrested in the present case, a fact that he himself admits, he cannot now seek anticipatory bail, and in any event, the provisions of MCOCA bar the grant of anticipatory bail. It is argued that the petitioner's conduct, in repeatedly filing applications and seeking extensions of his transit bail, is a deliberate attempt to mislead the Courts and obstruct the due course of justice. In view of the above circumstances, it is prayed that the present petition be dismissed.

15. This Court has **heard** the arguments addressed on behalf of the



learned counsels for the petitioner and the respondent, and has perused the material available on record.

### ANALYSIS & FINDINGS

16. To appreciate the rival contentions raised before this Court, it shall be apposite to briefly recapitulate the relevant dates and events concerning the status and conduct of the petitioner.

17. The petitioner herein was arrested on 31.01.2025 in Kolkata pursuant to Non-Bailable Warrants issued by the learned Sessions Court *vide* order dated 07.01.2025, and was produced before the learned ACJM, Alipore. The Investigating Officer had sought a three-day transit remand to bring him to Delhi, which was declined due to alleged non-compliance with Sections 75 and 78(2) of Cr.P.C. Instead, the learned ACJM, Alipore granted the petitioner transit interim bail, directing him to appear before the concerned Court in Delhi on or before 14.02.2025, which was later extended till 21.02.2025.

18. The petitioner had filed the present writ petition on 14.02.2025, and by order dated 20.02.2025, the Predecessor Bench of this Court had extended the time for his surrender till 28.02.2025, directing him to apply for regular bail before the Sessions Court. Pursuant thereto, the learned ACJM, Alipore had extended the petitioner's transit bail till 03.03.2025. The petitioner thereafter moved an application for regular bail before the learned Sessions Court, which was dismissed on 01.03.2025 on the ground that the



same issues were already pending before this Court, and that regular bail could not be considered without the petitioner actually surrendering before the Court. Despite these directions, the petitioner did not surrender before the Sessions Court, and it is also a matter of record that till date, no further protection has been obtained by him from this Court.

#### **Scope and Purpose of 'Transit Bail'**

19. At this juncture, this Court is constrained to note that when the petitioner had filed the present petition before this Court seeking protection from coercive action in relation to the present case, this Court, *vide* order dated 20.02.2025, had extended the date of his surrender till 28.02.2025. In these circumstances, once the petitioner had submitted himself to the jurisdiction of this Court and was granted sufficient time to approach the Sessions Court in Delhi, the very purpose of the transit bail earlier granted to him stood fulfilled.

20. It is well settled that the object of granting transit bail – as the term itself suggests – is limited in scope. Such relief is meant solely to protect the applicant from immediate arrest for a short and definite period so as to enable him to approach the court having jurisdiction to seek appropriate relief, whether anticipatory or regular bail. The duration of such protection cannot be stretched indefinitely, as that would virtually amount to converting a transit bail into a regular or anticipatory bail, which lies beyond the jurisdiction of the court granting such temporary relief. In *Priya Indoria v. State of*



**Karnataka:** (2024) 4 SCC 749, the Hon'ble Supreme Court elaborated on the meaning and scope of 'transit' and clarified that transit bail or interim protection must be confined to a limited purpose – that of safeguarding the applicant's liberty only until he is able to approach the court of competent jurisdiction. The relevant observations from the said judgment are extracted below:

"90. The word 'transit' is derived from the Latin word *transitus* which means passage from one place to another. Since the word 'transit' is an undefined expression in CrPC, we may take recourse to the dictionary meaning of the word 'transit'. The Concise Oxford English Dictionary, 10th Edition, Revised, defines the word 'transit' to mean 71 carrying of people or things from one place to another; the conveyance of passengers on public transport; an act of passing through or across a place. 'Transited' or 'transiting' would mean pass across or through. Similarly, the word 'transition' means the process of changing from one state or condition to another. Likewise, the adjective 'transitory' means not permanent; short-lived. An useful example of the above expression is transit visa which means a visa allowing its holder to pass through a country only, not to stay there. The word 'transit' has also been defined in the Black's Law Dictionary, 11th Edition, to mean the transportation of goods or person from one place to another; passage; the act of passing.

91. In Dr. Brojen Gogol, 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 Anita Garg also noted that 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, 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. 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. In that case, 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 438 of CrPC. 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 emphasized that temporary relief to protect liberty and to avoid immediate arrest can be given by the Bombay High Court.

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94. 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 CrPC 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.”

21. The essence of ‘transit bail’, therefore, lies in its temporary and facilitative nature. It is not intended to confer a continuing protection or to adjudicate upon the merits of the allegations against the accused. Rather, it is intended to serve as a short-lived safeguard to ensure that an individual is not deprived of his liberty while exercising his right to approach the appropriate court for relief. Once the person avails of that opportunity and the jurisdiction of the competent court is invoked, the transit bail’s effect ought to cease. Any extension of such protection beyond its limited purpose would not only defeat the very concept of transit bail but also encroach upon the powers of the court competent to decide the matter on merits.

#### **The Conduct of the Petitioner**

22. In the above backdrop, this Court is of the considered view that once the petitioner’s transit from the Courts in Kolkata, West Bengal to the Courts in Delhi had concluded, the jurisdiction of the learned ACJM, Alipore to grant or extend any further transit interim bail had come to an end. The petitioner was thereafter required, in law, to urge his case and seek appropriate reliefs from this Court or surrender before the learned Sessions Court in Delhi.

23. Pertinently, as noted above, in compliance with this Court’s order dated 20.02.2025, the petitioner had filed an application



seeking regular bail before the learned Sessions Court. However, the said application was dismissed on 01.03.2025 on the ground that the principal issues raised therein were already sub judice before this Court, and also on the ground that the petitioner had not physically surrendered before the Court. As a result, the petitioner stood without any subsisting legal protection from that date. Moreover, as rightly submitted by the State, the petitioner has not challenged the said order rejecting the bail independently. In such circumstances, instead of surrendering before the learned Sessions Court, the petitioner chose to once again approach the learned ACJM, Alipore, and obtained repeated extensions of his transit interim bail.

24. What is more concerning is that even after this Court, by order dated 22.04.2025, categorically clarified that there was neither any stay of proceedings nor any protection operating in the petitioner's favour, the petitioner still failed to surrender before the learned Sessions Court. Instead, he once again approached the court of the learned ACJM, Alipore, and procured further extensions of his transit bail till 09.09.2025. Such conduct of the petitioner cannot be viewed as bona fide, and it reflects not only disregard for the law but also a calculated abuse of the judicial process, to evade his surrender in relation to the present case. Moreover, when no interim protection had been granted to the petitioner by this Court, no error was committed by the Sessions Court in repeatedly directing him to appear before the Court.



### Consideration on Merits and Plea for Protection from Arrest

25. *Be that as it may*, this Court now proceeds to consider the main plea of the petitioner seeking protection from arrest or coercive action against him in the present case. It is an admitted position that pursuant to the issuance of Non-Bailable Warrants, the petitioner was arrested on 31.01.2025 at Kolkata, West Bengal, and though his transit remand was declined by the learned ACJM, Alipore, he was released on transit bail with a direction to surrender before the concerned Court in Delhi. *Insofar as the merits of the case are concerned*, the record reflects that the petitioner, a second-hand car dealer based in Kolkata, has been implicated in connection with the organised crime syndicate engaged in theft, tampering, and resale of stolen vehicles across multiple States. The said syndicate, allegedly led by one Khwaja Shariq Hussain @ Sharik @ Sata and his nephew Amir Pasha, is stated to be operating from Dubai, using VOIP and “Zangi” messaging applications for coordination with members based in India. During the course of the investigation, co-accused Sumit Jalan was arrested and he had allegedly admitted to having sold about 8-10 stolen vehicles to the petitioner and one Shailendra @ Raj Shaw, both residents of Kolkata. Acting on this information, the Investigating Agency had recovered three vehicles – a Hyundai Creta bearing No. NL07CB0791 and two Toyota Fortuner cars bearing Nos. CH01CU5742 and ML10C5103 – from one Navjot Singh in Punjab. Examination of these vehicles revealed tampering of engine and chassis numbers, and the FSL report confirmed that all three



vehicles had been stolen. Specifically, the original registration numbers of these vehicles were traced to FIRs registered for theft at different police stations in Delhi and Haryana. Navjot Singh, in his statement, identified the petitioner as the person who had sold him these vehicles, and supported the same by producing photographs showing the petitioner with one of the recovered cars at the time of delivery. He further disclosed that the petitioner had provided him with sale affidavits and documents relating to the said vehicles, and had even got one of the cars registered in the name of his cousin, Gursimran Singh, prior to its sale. The investigation also revealed financial transactions between the petitioner and co-accused Sumit Jalan – the latter having received ₹30.40 lakhs from the petitioner, while transferring ₹20.06 lakhs back to him during the period between December 2016 and February 2024. Both the petitioner and Sumit Jalan were also found to have received payments from Navjot Singh corresponding to the delivery of these vehicles.

26. In view of the above material, the petitioner has been charge-sheeted under Sections 3 and 4 of the MCOCA, read with Sections 379, 401, 468, 471, and 120B of the Indian Penal Code, 1860. However, further investigation is stated to be pending as the petitioner has yet not surrendered.

27. Under the provisions of MCOCA, the grant of anticipatory bail is expressly barred by Section 21(3), and protection from arrest can be considered only where the Court is satisfied that no offence



whatsoever is made out even *prima facie* against the accused. In the present case, however, the material gathered during investigation, including the recovery of stolen vehicles, statements of witnesses, forensic findings, and financial records, *prima facie* indicate the petitioner's involvement in the organised crime syndicate responsible for theft, alteration, and resale of vehicles.

28. Accordingly, this Court finds no basis to conclude that no *prima facie* case exists against the petitioner or that his arrest would be unwarranted. Therefore, the petitioner's plea for protection against coercive action is without merit.

29. The petitioner is, therefore, directed to surrender before the learned Sessions Court within a period of one week from date. In case of his failure to do so, the State shall be at liberty to take all steps as permissible in law to secure his custody.

30. The present petition, alongwith all pending applications, is therefore dismissed.

31. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

32. The judgment be uploaded on the website forthwith.

**DR. SWARANA KANTA SHARMA, J**  
**NOVEMBER 03, 2025/ns**