



Crl.O.P.No.9768 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9768 of 2025

Kunal Kamra

... Petitioner/Accused

Vs.

1. State, rep. by
The Inspector,
Auroville Police Station,
Auroville,
Tiruchitrambalam,
Villupuram District,
Tamil Nadu – 605 111.

... 1st respondent

2. State, rep. by
The Inspector of Police,
Khar Police Station,
Mumbai -400 052,
Maharashtra
(IO in Cr. No.0194 of 2025).

... 2nd respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, pleaded to enlarge the petitioner on inter-state anticipatory bail in the event of his arrest in Cr.No.0194/2025 on the file of the 2nd respondent, Khar PS, Mumbai.

For Petitioner : Mr.D.Nagasaila

For Respondents : Mr.S.Santhosh (for R1)
Government Advocate (Crl.Side)



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ORDER

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2. The learned counsel for the petitioner would submit that the allegation against the petitioner is that he had made certain remarks in a stand-up comedy show called 'Naya Bharat', which, according to the prosecution, had harmed the reputation of a senior Minister in the State of Maharashtra.

3. The learned counsel for the petitioner would further submit that the allegations do not warrant custodial interrogation and that he is unable to approach the Courts in Maharashtra for anticipatory bail, because, there are life threats made by the party men and also by the Ministers of State of Maharashtra and hence, prayed for inter-state anticipatory bail to enable him to approach the Courts in Maharashtra



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later.

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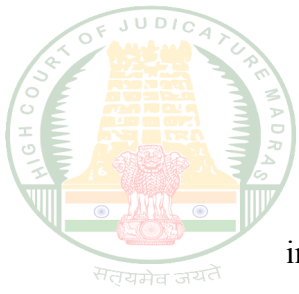
4. Heard Mr.S.Santhosh, learned Government Advocate (Crl.Side), who takes notice for the 1st respondent and perused the materials available on record.

5. The Hon'ble Supreme Court in *Priya Indoria vs. State of Karnataka and Others*, reported in (2024) 4 SCC 749, has held as follows:

“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 438 of CrPC 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



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impact of such grant of limited anticipatory bail or interim protection, as the case may be, on the status of the investigation.

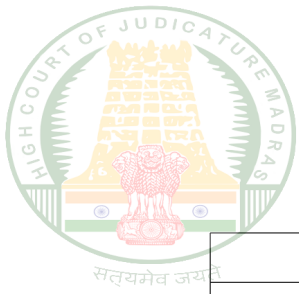
93.3. The jurisdiction in which the cognizance of the offence has been taken does not exclude the said offence from the scope of anticipatory bail by way of a State Amendment to Section 438 of CrPC.

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 extraterritorial limited anticipatory bail.”

6. The petitioner has *prima facie* satisfied this Court and has furnished reasons as to why he is unable to approach the Courts in Maharashtra immediately for protection. He has produced the copies of the news reports/threats in social media outlets, which are as follows:

Threats made	Links to articles/videos reporting the same
Demanded an apology within two days. He warned that if Kamara did not comply, “Shiv Sainiks will not let him move about freely in	https://timesofindia.indiatimes.com/city/mumbai/shiv-senas-sanja-nirupam-vows-strong-action-against-kunal-kamra-after-row-over-



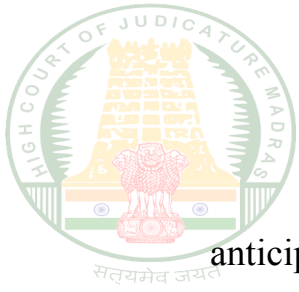
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Threats made	Links to articles/videos reporting the same
Mumbai. If he is seen anywhere in public, we will paint his face black.”	remarks/articleshow/_119402889.cms (Stated on 24.03.2025. Link Last accessed on 27.03.2025)
Let alone Maharashtra, Kunal Kamra cannot freely go anywhere in India; Shiv Sainiks will show him his place.”	https://timesofindia.indiatimes.com/city/mumbai/shiv-senas-sanja-nirupam-vows-strong-action-against-kunal-kamra-after-row-over-remarks/articleshow/_119402889.cms (Stated on 24.03.2025. Link Last accessed on 27.03.2025)
The message (for Kunal Kamra) is clear, 'Abhi tak toh ye trailer hai, picture abhi baki hai'. Whenever you are in Mumbai, you will get a good lesson in Shiv Sena style”	1. https://www.ndtv.com/video/shiv-sena-leader-rahul-kanal-will-teach-kunal-kamra-a-lesson-in-shiv-sena-style-918139 . 2. https://www.ndtv.com/india-news/kunal-kamra-eknath-shinde-shiv-sena-comedian-habitat-comedy-club-khar-think-even-bjp-doesnt-like-eknath-shinde-kunal-kamra-to-ndtv-amid-row-8007490 (Stated on 25.03.2025. Link Last accessed on 27.03.2025)
Kamra should not have stepped on the tail of a snake (referring to Shinde). Once the fangs are out, there will be dire consequences	https://timesofindia.indiatimes.com/india/shindes-shiv-sena-warns-of-prasad-for-kunal-kamra-as-comedian-stand-defiant-key-points/articleshow/_119487833.cms (Stated on 25.03.2025. Link Last accessed on 27.03.2025)

7. Hence, issue notice to the 2nd respondent, returnable by 07.04.2025. Private notice is also permitted.

8. Call on 07.04.2025.

9. In the meanwhile, this Court deems it appropriate to grant an interim protection. Accordingly, the petitioner is granted interim



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anticipatory bail on the condition that he executes a bond for a sum of Rs.10,000/- [Rupees Ten Thousand Only] to the satisfaction of the learned Judicial Magistrate, ~~XXXXX~~, with two sureties, each for a like sum to the satisfaction of the said learned Magistrate.

28.03.2025

Issue order copy today

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To

1. The Judicial Magistrate, Vanur.
2. The Inspector,
Auroville Police Station, Auroville, Tiruchitrambalam,
Villupuram District, Tamil Nadu – 605 111.
3. The Inspector of Police,
Khar Police Station,
Mumbai -400 052, Maharashtra
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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