**IN THE COURT OF THE ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, EGMORE, CHENNAI-08.**

**Present: Tmt. A. DAOUDH AMMAL,B.A., M.L.,**
Additional Chief Metropolitan Magistrate,
Egmore, Chennai.
Wednesday, the 16th day of July, 2025

**Crl.M.P. No.10086/2025**
**in**
**C.C. No.1016 of 2008**

Harsha Rao
S/o. Srinivasa Rao ... Petitioner/Accused

/Vs/

State rep. by-

The Deputy Superintendent of Police,
CBI/ACB, Chennai. ... Respondent / Complainant

Counsel for the Accused : Mr.A.Ashwin Kumar and Mr.S.Udhayakumar

Counsel for the Complainant: Assistant Public Prosecutor/CBI.

## INTERIM BAIL ORDER

1. This is the Bail Application filed by the Petitioner seeking Bail. The Petitioner has also sought for Interim Bail till the disposal of Bail Application. This Petitioner/Accused Harsha Rao produced today at 03.30 P.M. on 16.07.2025 in the court of Additional Chief Metropolitan Magistrate, Egmore, Chennai for Remand purpose.

2. As per the case of prosecution, a case in R.C.No.39/A/01 was registered by CBI/ACB/Chennai on 13.09.2001 against several persons including the Petitioner/Accused Harsha Rao as A7 on allegation that the Accused persons had

A DAOUDHAMMAL Digitally signed by A DAOUDHAMMAL Date: 2025.07.16 18:56:47 +0530

**Additional Chief Metropolitan Magistrate,**
**Egmore, Chennai.**

entered into a criminal conspiracy by unauthorized diversion of 24 local lines from Flower Bazaar, Telephone Exchange to M/s.Lakshmi and Sons extending these lines to Foreign locations, routing incoming international calls meant for Chennai through this setup and connecting them to local subscribers thereby allegedly causing revenue loss to the Department of Telecommunications and Videsh Sanchar Nigam Ltd., On completion of investigation, Final Report was filed on 03.12.2002 before X Metropolitan Magistrate Court, Chennai under Sections 120B r/w 420 of IPC and Section 20 r/w 4 of Indian Telegraph Act, 1885 against the Accused and other Accused persons and the same was taken on file in C.C.No.2230 of 2003.

3. The Trial against Co-Accused in C.C.No.2230 of 2003 was concluded on 30.01.2013 and the Co-Accused persons have been sentenced to RI for a period of one year under Section 20 r/w 4 of Indian Telegraph Act, 1885. Thereafter, the Co-Accused filed Criminal Appeal No.44 of 2013 before the Hon'ble XVI Additional Sessions Judge, City Civil Court, Chennai and it was dismissed on 09.12.2015 confirming the conviction and sentenced imposed by the Trial court. Subsequently, the Co-Accused persons filed Criminal Revision Case No.1358 of 2015 before the Hon'ble High Court of Madras which was dismissed for non prosecution subsequently. Meanwhile, the case against the Petitioner/Accused was split-up in C.C.No.1016 of 2008 on 04.02.2008. Since, the appearance of the Petitioner/Accused could not be secured, this Court has already ordered the case to be entered in the Long Pending Case Register and kept in the Record Room as a Long Pending case. The Petitioner/Accused have been declared as a Proclaimed Offender by this court on 21.02.2023 under Section 82 of Cr.P.C.

4. As per the Prosecution case, a Red Notice (Control No.A-11063/11-2017

A DAOUDHAMMAL

Digitally signed by A DAOUDHAMMAL
Date: 2025.07.16 18:57:04 +0530

**Additional Chief Metropolitan Magistrate,**
**Egmore, Chennai.**

dated 27.11.2017) was issued against the Accused Harsha Rao through Interpol, New Delhi for extradition of Harsha Rao from United Kingdom through diplomatic channels of Ministry of External Affairs, New Delhi. Based on the Red Notice, a Look-out Circular No.2017425420 was also issued against Petitioner/Accused Harsha Rao. The CBI filed Petition under Section 82 of Cr.P.C. in Crl.M.P.No.34398/2022 seeking for an order of proclamation as against the Petitioner/Accused Harsha Rao. Accordingly, this Court vide order dated 01.11.2022 had declared the Petitioner/Accused Harsha Rao as Proclaimed Offender.

5. Based on the pending Red Notice and Look-out Circular, the AFRRO (A), Bureau of Immigration, CSMIA, Mumbai detected the arrival of Harsha Rao at CSMIA, Mumbai on 15.07.2025 by Flight No.AI-120 from London, detained Harsha Rao and informed the CBI for further necessary action. Accordingly, Shri.Nakka Ashok, Inspector of Police, CBI, ACB, Chennai and Shri.Ajit Ashok Shinde, Sub-Inspector of Police, CBI, ACB, Chennai was deputed to Mumbai for securing the Accused Harsha Rao from AFRRO (A), Bureau of Immigration, CSMIA, Mumbai. Then, Harsha Rao (Male /United Kingdom) DoB:-25.07.1969 was handed to Shri.Nakka Ashok, Inspector of Police, CBI, ACB, Chennai and Shri.Ajit Ashok Shinde, Sub-Inspector of Police, CBI, ACB, Chennai alongwith Original British Passport No.126247403, Original Old European Union Passport No.308177817, Original OCI – Certificate of Registration No.A1813095 and Boarding pass of Flight No.AI 128 dated 14.07.2025 in the name of Rao/Harsha Sriniva from London Heathrow to Mumbai Chhatrapati T2.

6. The Petitioner/Accused Harsha Rao was arrested at 18.00 hrs at Mumbai vide Arrest Memo dated 15.07.2025 observing all legal formalities by Shri.Nakka

A DAOUDHAMMAL

Digitally signed by A DAOUDHAMMAL
Date: 2025.07.16 18:57:16 +0530

**Additional Chief Metropolitan Magistrate,**
**Egmore, Chennai.**

Ashok, Inspector of Police, CBI, ACB, Chennai. Thereafter, Shri.Nakka Ashok, Inspector of Police, CBI, ACB, Chennai and Shri.Ajit Ashok Shinde, Sub-Inspector of Police, CBI, ACB, Chennai brought the Petitioner/Accused Harsha Rao to Chennai on 15.07.2025. Hence, the Petitioner/Accused Harsha Rao is produced before this Hon'ble Court alongwith original British passport No.126247403,Original Old European Union Passport No.308177817, Original OCI – Certificate of Registration No.A 1813095 and Boarding Pass of Flight No.AI 128 dated 14.07.2025 in the name of Rao/Harsha Sriniva from London Heathrow to Mumbai Chhatrapati T2.

7. At the time of Remand, the learned Defence counsel has stated that the Petitioner/Accused is a British Citizen of Indian origin holding OCI (Overseas Citizen of India) status, who have been residing in the United Kingdom since 2002. The Accused holds a valid British Passport No.126247402 issued on 22.07.2021 and valid till 22.07.2031 as well as and OCI card issued on 15.05.2015 from London. The learned Defence counsel has stated that, the Arrest Memo does not clearly specify the grounds of arrest as required by law. The reasons mentioned are vague and do not establish any immediate necessity for arrest. The Arrest Memo merely states that the Petitioner /Accused was declared a Proclaimed Offender by the court on 01.11.2022 for "evading process of law" without providing specific details of how the Petitioner/Accused was evading the process.

8. Further, it is pertinent to state that, the learned Defence counsel has stated that the Petitioner/Accused has been illegally declared as a "Proclaimed Offender" by this Court on 21.02.2023. As per Section 82(4) of the Code of Criminal Procedure, 1973, a person can be declared a "Proclaimed Offender" only if he is Accused of offences punishable under specific Sections of the Indian Penal Code,

A DAOUDHAMMAL

Digitally signed by A DAOUDHAMMAL
Date: 2025.07.16 18:57:28 +0530

**Additional Chief Metropolitan Magistrate,**
**Egmore, Chennai.**

namely Sections 302, 304, 364, 367, 382, 392, 394, 395, 396, 397, 398, 399, 400, 402, 436, 449, 459 or 460. As stated above, the Petitioner /Accused has been charged under Section 120B r/w 420 of IPC and Section 20 r/w 4 of Indian Telegraph Act, 1885, which are not included in the list of offences under Section 82(4) of Cr.P.C. Therefore, the Petitiioner could at best be declared as a "Proclaimed Person" but not as a " Proclaimed Offender".

9. The **Hon'ble High Court of Punjab & Haryana** in **Rahul Datta Vs. State of Haryana** reported in **2011 SCC OnLine P& H 16868:(2012) 2 RCR (Crl) 585** has categorically held that,

> *"The offences mentioned in Section 82(4) of Cr.P.C. are of recurring nature. All the persons, who are absconding or concealing themselves to evade execution of warrants of arrest, could be proclaimed persons but they could be declared a "proclaimed offender" only under the provisions of the IPC which are mentioned in Section 82(4) of Cr.P.C. There is stark distinction between a proclaimed person and a proclaimed offender and for that reason, there is a difference of punishment provided under Section 174-A IPC as it provides imprisonment which may extend upto three years or with fine or with both regarding a person who has been proclaimed in terms of Section 82(1) of Cr.P.C. and the imprisonment which may extend upto seven years and also with fine in respect of a person who is declared a "proclaimed offender" under Section 82(4) of Cr.P.C.,....*
>
> *20. Thus, in view of the aforesaid discussion, I am of the considered opinion that the terms "proclaimed person" and "proclaimed*

A DAOUDHAMMAL

Digitally signed by A DAOUDHAMMAL
Date: 2025.07.16 18:57:40 +0530

**Additional Chief Metropolitan Magistrate,**
**Egmore, Chennai.**

*offender" have different connotations. A person who is evading the execution of warrants of arrest issued under the particular Sections of the IPC which are mentioned in Section 82(4) of Cr.P.C. can only be declared to be a proclaimed offender and the persons under the other provisions of the IPC and the laws, can be declared to be a proclaimed person in terms of Section 82(1) of Cr.P.C.*

*21. Thus, keeping in view the facts and circumstances of this case, but without making any observation on the merits, the present petition is hereby allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds to the satisfaction of the learned "Trial Court".*

10. Similarly, in **Arunkumar Parihar Vs. State (GOVT NCTD)** decided on 26.03.2021 in **Crl.M.C.No.863/2021** it was held that

*"At the outset, it is essential to observe that as regards the prayer made by the petitioner seeking quashing of the proceedings initiated vide order dated 03.03.2021, under Section 82 of the Cr.P.C., 1973 in as much as the FIR in the instant case is registered under Sections 406/420/120B of the Indian Penal Code, 1860, the said provisions of law sought to be invoked by the Investigating Agency do not fall within the ambit of Section 82(4) of the Cr.P.C., 1973 and thus the applicant cannot be declared a Proclaimed Offender……………*

*3. In view thereof, the order dated 03.03.2021 of the learned trial Court directing the issuance of process under Section 82 of the Cr.P.C. 1973 against the petitioner in FIR No.147/2020, PS EOW, under*

A DAOUDHAMMAL

Digitally signed by A DAOUDHAMMAL
Date: 2025.07.16 18:57:52 +0530

**Additional Chief Metropolitan Magistrate,**
**Egmore, Chennai.**

*Sections 406/420/120B of the Indian Penal Code, 1860 is quashed."*

11. It is further submitted that, the **Hon'ble High Court of Madras** in **Anandan @ Duglas Devanandha Vs. The State by Inspector of Police, K-3, Police Station, Aminjikarai, Madras (2011 (1) MWN (Cr.) 214)**, has held that a person who was not in India when the proclamation was issued has sufficient cause for his non-appearance. Therefore, the learned Defence counsel has submitted that, the declaration as "Proclaimed Offender" vide order 21.02.2023 is illegal and any arrest or action made in consequence to such illegally would be non-est in law.

12. It is pertinent to note that in the present case, as submitted by the learned Defence counsel, there is no evidence that the court had sufficient reason to believe that the Petitioner/Accused was intentionally absconding or concealing himself. The Petitioner/Accused was residing in the United Kingdom since 2002, which was before the filing of the charge sheet in 2002, and was not aware of the proceedings against him. Therefore, he has no reasonable means to be aware of the pending proceedings or the proclamation made against him. Further, the Accused has visited India on three previous occasions in 2013, 2014 and 2016 and was never stopped, apprehended, or informed about any pending case against him.

13. Further, as submitted by the learned Defence counsel, there is nothing on record on demonstrate that the authorities made any genuine efforts to contact the Petitioner/Accused before declaring him absconding. The procedure laid down in the Code of Criminal Procedure for serving summons to non-residents through Mutual Legal Assistance Treaties (MLAT) was not followed. The petitioner's current address in the United Kingdom (No.8, Nortalk Heights Church Road, Tunbridge Wells, T.N.I.

A DAOUDHAMMAL

Digitally signed by A DAOUDHAMMAL
Date: 2025.07.16 18:58:05 +0530

**Additional Chief Metropolitan Magistrate,**
**Egmore, Chennai.**

1 JB, U.K.) was available, yet no attempt was made to serve him with summons at this address.

14. It is to be noted that the learned Defence counsel has pointed out that, the Petitioner/Accused landed in India at 4.00 A.M. on 15.07.2025 and was detained since 05.00A.M., but the formal arrest was only shown in the evening, amounting to illegal detention for more than 24 hours. This is in gross violation of Section 35 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (formerly Section 57 of the Code of Criminal Procedure, 1973) as well as by Article 22(2) of the Constitution which mandates that a person arrested without warrant must be produced before a Magistrate within 24 hours of arrest. Therefore, any further detention is per se illegal.

15. Further, the maximum punishment for the alleged offences under Section 120B r/w 420 of IPC and Section 20 r/w 4 of Indian Telegraph Act, 1885 is relatively minor compared to the serious offenses listed in Section 82(4) of Cr.P.C., The alleged offences are not of a heinous nature and do not involve violence or threat to public safety. Further, the Co-Accused in this case were convicted only under the Indian Telegraph Act for offenses that are bailable and non-cognizable in nature. The Co-Accused were sentenced to only one year of imprisonment, the sentence of imprisonment has been suspended pending Appeal in Crl.A.No.44 of 2013 vide order dated 26.02.2013 as well as in the Criminal Revision Crl.R.C.No.1358 of 2015 vide order dated 05.01.2016.

16. It is to be noted that the learned Defence counsel has submitted that, the alleged offence dates back to 2001, and the charge sheet was filed in 2002. After such a long passage of time, there is no risk of the Petitioner/Accused tampering with evidence or influencing witnesses. The Petitioner//Accused is willing to participate in

A DAOUDHAMMAL

Digitally signed by A DAOUDHAMMAL
Date: 2025.07.16 18:58:16 +0530

**Additional Chief Metropolitan Magistrate,**
**Egmore, Chennai.**

the trial and will provide necessary sureties. He has no intention of evading the process of law and is committed to proving his innocence through legal means. The Petitioner/Accused suffers from multiple health issues including hypertension, high cholesterol, high blood pressure, diabetes, severe back issues, plantar fasciitis, and a torn tendon in the knee, which require regular medical attention and care that cannot be adequately provided in judicial custody. These health conditions make the Petitioner/Accused vulnerable to complications if kept in judicial custody. The Petitioner's parents are elderly and ailing. His mother has recently suffered from dengue and is bedridden, having previously undergone angioplasty and suffering from hypertension, hyperacidity, and diabetes. His father has also undergone angioplasty and suffers from hypertension and diabetes, which has led to vision issues. The Petitioner's presence is required to care for his aged parents who live alone in Udupi, Karnataka. The Petitioner/Accused is the only son who can provide care and support to his elderly parents during their mental emergencies.

17. The learned Defence counsel has submitted that the Petitioner/Accused traveled to India solely to visit his aged and ailing parents, particularly his mother who is currently bedridden, and not with any intention to evade the law. This demonstrates the Petitioner's good faith and humanitarian concerns for his family. The Petitioner/Accused has been employed in the United Kingdom since 2002, initially with a British Company dealing with private immigration, then running a business of trading in Vanilla Pods until 2018/2019, and currently working as an Operations Manager at Marks and Spencer UK. He has a stable residence at No.8, Nortalk Heights, Church Road, Tunbridge Wells. T.N.I. 1 JB, United Kingdom. The Petitioner/Accused has no prior criminal antecedents and has been a law-abiding

A DAOUDHAMMAL

Digitally signed by A DAOUDHAMMAL
Date: 2025.07.16 18:58:30 +0530

**Additional Chief Metropolitan Magistrate,**
**Egmore, Chennai.**

person through-out his life. The Petitioner/Accused is willing to report to the police station as required, and comply with any other conditions imposed by this Court to ensure his presence during trial proceedings.

18. Records perused. Admittedly, the case against Petitioner/Accused Harsha Rao have been split-up and assigned C.C.No.1016 of 2008 only due to the pendency of NBW without execution. While so, admittedly, the Petitioner/Accused have been declared as Proclaimed Offender by this Court on earlier occasion. But, whereas, as per the Judgments of the Hon'ble Apex Court and the Hon'ble High Courts as discussed above, the terms "proclaimed person" and "proclaimed offender" have different connotations. A person who is evading the execution of warrants of arrest issued under the particular Sections of the IPC which are mentioned in Section 82(4) of Cr.P.C. can only be declared to be a proclaimed offender and the persons under the other provisions of the IPC and the laws, can be declared to be a proclaimed person in terms of Section 82(1) of Cr.P.C.

19. Further, it is pertinent to note that as per the Judgment of the Hon'ble Apex Court in 2022 (10) Supreme Court Cases 51 between Satender Kumar Antil Vs CBI and Another, it has been held that in the cases pertaining to after filing of charge sheet/complaint taking of cognizance, on execution of NBW, Bail applications of such Petitioner/Accused on appearance may be decided without the Accused being taken in physical custody or by granting interim bail till the bail application is decided.

20. The Petitioner/Accused have been Remanded to Judicial Custody today i.e. on 16.07.2025. Further, as per the Judgment of the Hon'ble Apex Court in 2022 (10) Supreme Court Cases 51 between Satender Kumar Antil Vs CBI and Another, this court is inclined to grant interim bail to the Accused till the bail application is

A DAOUDHAMMAL

Digitally signed by A DAOUDHAMMAL
Date: 2025.07.16 18:58:41 +0530

**Additional Chief Metropolitan Magistrate,**
**Egmore, Chennai.**

decided on merits, for the reasons and discussions mentioned above, on conditions

- The petitioner / Accused is directed to execute a bond for **Rs.1,00,000/-** with **two** sureties being **the relatives of the petitioner or family members**, each surety shall execute a bond for likesum, and both the sureties shall produce means document with satisfaction of this court.
- The petitioner / Accused and sureties shall affix their photographs and Left Thumb Impression in the surety bond.
- The petitioner / Accused shall appear before this court daily at 10.30 A.M. till the disposal of the bail application, in default, the interim bail shall stands cancelled.

Dictated to the Steno-typist, typed by her directly in the system and corrected, signed and pronounced by me in the open court, on this 16th day of July, 2025.

A DAOUDHAMMAL

Digitally signed by A DAOUDHAMMAL
Date: 2025.07.16 18:58:57 +0530

ADDITIONAL CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI-08.

**Additional Chief Metropolitan Magistrate,**
**Egmore, Chennai.**