

RESEARCH QUESTION

"What laws protect against online stalking, cyberbullying, and harassment in India, including stalking under the BNS, IT Act provisions, how to report to cyber cells, and what courts have held about bail and injunctions in such cases?"

What laws protect against online stalking, cyberbullying, and harassment in India, including stalking under the BNS, IT Act provisions, how to report to cyber cells, and what courts have held about bail and injunctions in such cases?

TL;DR

Under Indian law, online stalking and cyber harassment are prosecuted primarily under Section 78 of the Bharatiya Nyaya Sanhita (BNS), 2023 (replicating former Section 354D of the IPC) for electronic monitoring, and Sections 67 and 67A of the Information Technology Act, 2000, for publishing or transmitting obscene or sexually explicit content. The Supreme Court in *Apoorva Arora v. State (Govt. of NCT of Delhi)* (2024) clarified that the use of vulgarity or profanities alone does not attract Section 67 or 67A unless the material depicts sexually explicit acts or appeals to prurient interests. Procedurally, because online harassment often involves interstate jurisdictions, the Supreme Court in *Priya Indoria v. State of Karnataka* (2023) confirmed that an accused may seek limited transit anticipatory bail in their state of residence to protect their personal liberty.

VERIFIED CASES

12

5 High Courts · 7 SC

STATUTES

5

LATEST RULING

2025

Allahabad High Court

CONTENTS

I. Detailed Analysis

3

II.	Statutory Provisions	5
III.	Cases Discussed	8
IV.	Case Details	9

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I. Detailed Analysis

KEY PRINCIPLES ESTABLISHED

01 Electronic Monitoring as Stalking

Under Section 78 of the BNS, 2023 (and its predecessor Section 354D IPC), monitoring a woman's use of the internet, email, or electronic communication constitutes stalking, but the threshold is not met unless the published material repeatedly targets her and carries lascivious or prurient interest, as shown in *Balaji Kumar and Another v. K.M. Nalini Shree* (2019).

02 IT Act's Multi-Tiered Penal Structure

The IT Act operates a hierarchical framework where Section 67 acts as the principal provision criminalizing obscene material, while Section 67A establishes an aggravated offense with enhanced penalties for transmitting actual sexually explicit conduct, as explained in *Just Rights for Children Alliance v. S. Harish* (2024).

03 Extraordinary and Discretionary Scope of Anticipatory Bail

Relief in anticipation of arrest (historically under Section 438 CrPC and now Section 482 BNSS) is an extraordinary power reserved for exceptional cases to prevent the humiliation of citizens, but it cannot be claimed as a matter of course, as clarified in *D.K. Ganesh Babu v. P.T. Manokaran* (2007).

04 Objective Apprehension Standard for Pre-Arrest Relief

The "reason to believe" required to seek pre-arrest protection under Section 482 BNSS must be based on objective facts and a tangible apprehension of arrest rather than a vague fear or the mere receipt of court summons, as held in *Asheesh Kumar v. State of U.P.* (2025).

05 No Blanket Shield for Absconding Accused

The mere filing or pendency of an anticipatory bail application does not prevent a trial court from initiating proclamation proceedings under Section 82 of the CrPC (now BNSS) if the accused is actively evading investigation, as decided in *Srikant Upadhyay & Ors. v. State of Bihar & Anr.* (2024).

HOW THE COURTS HAVE APPLIED THIS

SUPREME COURT POSITION	The Apex Court emphasizes that the primary legislative purpose behind anticipatory bail is to protect personal liberty and prevent the ignominy of false arrests orchestrated by influential rivals, as outlined in <i>Shajan Skaria v. The State of Kerala & Anr.</i> (2024).
HIGH COURT VARIATIONS	High Courts actively intervene to quash over-broad criminal charges under the IT Act and BNS where the allegations do not satisfy the statutory definitions of organized crime or obscenity, and instead stem from political social media critiques or personal disputes, as illustrated in <i>Pesala Sivashankar Reddy v. State of Andhra Pradesh</i> (2024) and <i>Nalla Balu v. State of Telangana</i> (2025).
RECENT EVOLUTION	Courts have progressively tightened bail parameters, reaffirming that anticipatory bail is a mechanism to secure liberty rather than a perpetual license to commit crimes or escape legitimate investigation, as emphasized in <i>Freed v. State of H.P.</i> (2020) and <i>Naresh Kumar Yadav v. Ravindra Kumar</i> (2007).

UNSETTLED AREAS OR CAVEATS

Lack of Civil Injunction Precedents

While temporary injunctions under Order 39 Rules 1 and 2 of the CPC are standard tools used to halt online harassment, the retrieved case-law database focuses exclusively on criminal prosecution and bail jurisprudence. There is a lack of specific holdings in the provided corpus regarding civil injunctions in cyberstalking cases.

Reporting to Cyber Cells

The retrieved judicial precedents do not outline the administrative or operational guidelines on how to file complaints with Cyber Crime Cells, leaving this strictly to statutory manual frameworks.

II. Statutory Provisions 5 PROVISIONS

SECTION 354D, INDIAN PENAL CODE — STALKING

Defines and punishes the offence of stalking where a man repeatedly follows or attempts to contact a woman against her wishes, or monitors her use of electronic communications, providing up to three years imprisonment for a first conviction.

"354D. Stalking .—(1) Any man who — (i) follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or (ii) monitors the use by a woman of the internet, email or any other form of electronic communication, commits the offence of stalking: Provided that such conduct shall not amount to stalking if the man who pursued it proves that— (i) it was pursued for the purpose of preventing or detecting crime and the man accused of stalking had been entrusted with the responsibility of prevention and detection of crime by the State; or (ii) it was pursued under any law or to comply with a ny condition or requirement imposed by any person under any law; or (iii) in the particular circumstances such conduct was reasonable and justified. (2) Whoever commits the offence of stalking shall be punished on first conviction with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and be punished on a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine." *Cited in:* (not cited in retrieved snippets)

SECTION 67A, INFORMATION TECHNOLOGY ACT, 2000 — PUNISHMENT FOR PUBLISHING OR TRANSMITTING OF MATERIAL CONTAINING SEXUALLY EXPLICIT ACT, ETC., IN ELECTRONIC FORM

Prescribes punishment of imprisonment and fine for publishing or transmitting materials containing sexually explicit acts or conduct in electronic form.

"Section 67A. Punishment for publishing or transmitting of material containing sexually explicit act, etc., in electronic form\n\nWhoever publishes or transmits or causes to be published or transmitted in the electronic form any material which contains sexually explicit act or conduct shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with fine which may extend to ten lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also with fine which may extend to ten lakh rupees." *Cited in:* (not cited in retrieved snippets)

SECTION 78, BHARATIYA NYAYA SANHITA, 2023 — STALKING

Defines the offense of stalking under the BNS, making it a crime for a man to repeatedly contact a disinterested woman or monitor her electronic communications, punishable with up to three years of imprisonment on a first conviction.

"Section 78. Stalking\n\n(1) Any man who---\n\n(i) follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or\n\n(ii) monitors the use by a woman of the internet, e-mail or any other form of electronic communication,\n\ncommits the offence of stalking:\n\nProvided that such conduct shall not amount to stalking if the man who pursued it proves that---\n\n(i) it was pursued for the purpose of preventing or detecting crime and the man accused of stalking had been entrusted with the responsibility of prevention and detection of crime by the State; or\n\n(ii) it was pursued under any law or to comply with any condition or requirement imposed by any person under any law; or\n\n(iii) in the particular circumstances such conduct was reasonable and justified.\n\n(2) Whoever commits the offence of stalking shall be punished on first conviction with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and be punished on a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine." *Cited in:* raised in the research question

SECTION 67, INFORMATION TECHNOLOGY ACT, 2000 — PUNISHMENT FOR PUBLISHING OR TRANSMITTING OBSCENE MATERIAL IN ELECTRONIC FORM

Punishes anyone who publishes or transmits lascivious or obscene material in electronic form with imprisonment and a fine.

"Section 67. Punishment for publishing or transmitting obscene material in electronic form\n\nWhoever publishes or transmits or causes to be published or transmitted in the electronic form, any material which is lascivious or appeals to the prurient interest or if its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, shall be punished on first conviction with imprisonment of either description for a term which may extend to three years and with fine which may extend to five lakh rupees and in the event of a second or subsequent conviction with imprisonment of either description for a term which may extend to five years and also with fine which may extend to ten lakh rupees." *Cited in:* Pesala Sivashankar Reddy v. State of Andhra Pradesh, Balaji Kumar and Another v. K.M. Nalini Shree

SECTION 480, BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 — WHEN BAIL MAY BE TAKEN IN CASE OF NON-BAILABLE OFFENCE

Governs the release of an accused person on bail in non-bailable cases, detailing conditions that a court must impose during such release.

"(2) If it appears to such officer or Court at any stage of the investigation, inquiry or trial, as the case may be, that there are not reasonable grounds for believing that the accused has committed a non-bailable offence, but that there are sufficient grounds for further inquiry into his guilt, the accused shall, subject to the provisions of section 49 2 and pending such inquiry, be released on bail, or, at the discretion of such officer or Court, on the execution by him of a bond for his appearance as hereinafter provided..." *Cited in: Nalla Balu v. State of Telangana*

III. Cases Discussed

12 CASES · SUMMARY TABLE

#	CASE TITLE	COURT	YEAR	KEY HOLDING
01	<i>Priya Indoria v. State of Karnataka</i> ESCR010007832023	SUPREME COURT OF INDIA	2023	Permits limited transit anticipatory bail in the state where the accused resides.
02	<i>Balaji Kumar and Another v. K.M. Nalini Shree</i> HCMA010036452015	MADRAS HIGH COURT	2019	Non-lascivious social media cartoons do not attract stalking or obscenity offenses.
03	<i>D.K. Ganesh Babu v. P.T. Manokaran</i> ESCR010005932007	SUPREME COURT OF INDIA	2007	Clarifies that anticipatory bail becomes operative only upon actual arrest.
04	<i>Apoorva Arora v. State (Govt. of NCT of Delhi)</i> ESCR010001992024	SUPREME COURT OF INDIA	2024	Rules that profanities and swear words do not constitute electronic obscenity.
05	<i>Srikant Upadhyay & Ors. v. State of Bihar & Anr.</i> ESCR010001492024	SUPREME COURT OF INDIA	2024	Pendency of anticipatory bail application does not bar proclamation proceedings under Section 82.
06	<i>Freed v. State of H.P.</i> HPHC010213442020	HIGH COURT OF HIMACHAL PRADESH	2020	Holds that anticipatory bail is not a blanket shield against investigations.
07	<i>Shajan Skaria v. The State of Kerala & Anr.</i> ESCR010005652024	SUPREME COURT OF INDIA	2024	Outlines the legislative intent behind Section 438 as safeguarding personal liberty.
08	<i>Naresh Kumar Yadav v. Ravindra Kumar</i> ESCR010001692007	SUPREME COURT OF INDIA	2007	Restricts the grant of blanket bail orders based on vague apprehensions.
09	<i>Just Rights for Children Alliance v. S. Harish</i> ESCR010004852024	SUPREME COURT OF INDIA	2024	Distinguishes between principal electronic obscenity and aggravated sexually explicit conduct.
10	<i>Pesala Sivashankar Reddy v. State of Andhra Pradesh</i> APHC010510832024	HIGH COURT OF ANDHRA PRADESH	2024	Rejects improper organized crime charges for social media political postings.
11	<i>Asheesh Kumar v. State of U.P.</i> UPHC012853722025	ALLAHABAD HIGH COURT	2025	Evaluates the objective 'reason to believe' standard for bail under BNSS.
12	<i>Nalla Balu v. State of Telangana</i> HBHC010383872025	HIGH COURT FOR STATE OF TELANGANA	2025	Balances free speech rights against public order in social media prosecutions.

IV. Case Details 12 CASE FILES

01 Priya Indoria v. State of Karnataka

SUPREME COURT OF INDIA • 2023-11-20 • 2023 INSC 1008

This case concerns the power of a High Court or Court of Session to grant 'transit' anticipatory bail to an accused when the FIR is registered in a different state. The Supreme Court held that while an accused cannot seek full-fledged anticipatory bail in a state other than where the FIR was registered, they may apply for limited transit anticipatory bail in the state where they reside. This safeguard is necessary to protect personal liberty and access to justice under Article 21 of the Constitution. Courts must ensure a territorial connection between the accused and the court being approached, and such relief should be granted only in exceptional, compelling circumstances to prevent abuse of the process.

HELD The Supreme Court held that in interstate criminal complaints, High Courts and Sessions Courts possess the power to grant limited transit anticipatory bail to protect an accused residing within their jurisdiction from arbitrary arrest. This power must be exercised with caution, requiring a territorial nexus, and does not bypass the regular courts of the investigating state.

“The High Court or the Court of Session, under Section 438(2) of CrPC, is further empowered to pass any such conditions in light of the facts of a particular case, including a) A condition that the person shall make himself available for interrogation by a police officer as and when required; b) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise...”

SUPREME COURT OF INDIA • 2023

SOURCE ESCR010007832023

02 Balaji Kumar and Another v. K.M. Nalini Shree

MADRAS HIGH COURT • 2019-01-22 • CRL OP/17269/2015

The petitioners sought to quash a criminal complaint alleging that they had posted and endorsed an offensive cartoon on Facebook depicting women in a derogatory manner. The complainant alleged that the post constituted offences under the Information Technology Act and the Indian Penal Code, specifically relating to obscenity, stalking, and insulting the modesty of a woman. The High Court examined the content of the image and concluded that it did not contain material that was lascivious or appealed to prurient interests, nor did it meet the legal threshold for stalking or insulting a woman's modesty. Finding the allegations insufficient to constitute the alleged offences, the court quashed the criminal proceedings.

HELD The Madras High Court ruled that a Facebook post depicting a cartoon comparing domestic life before and after marriage did not contain lascivious or obscene material. Consequently, charges under Section 67 of the IT Act and Section 354D of the IPC (stalking) were not attracted, and the criminal complaint was quashed.

“From the said photographs, it cannot be said that any lascivious or prurient interest materials are published which tends to deprave and corrupt persons. So, the Provision of Section 67 of the Information Technology Act will not attract. Sections 354-D and 509 of IPC also will not attract.”

MADRAS HIGH COURT • 2019

SOURCE HCMA010036452015

03 D.K. Ganesh Babu v. P.T. Manokaran

SUPREME COURT OF INDIA • 2007-02-23 • 2007 INSC 191

This case clarifies the scope and nature of anticipatory bail under Section 438 of the Code of Criminal Procedure. The Supreme Court emphasized that anticipatory bail is an extraordinary power intended only for exceptional cases where a person apprehends false implication. The Court ruled that such an order only becomes operative at the moment of arrest, acting as a form of conditional immunity from custody. Consequently, courts cannot impose onerous conditions or restrain the police from conducting investigations during the pre-arrest stage. Because the respondents had already surrendered, the Court directed them to file a formal bail application under Section 439 to be considered on its own merits.

HELD The Supreme Court emphasized that anticipatory bail operates only from the exact moment of an arrest being effected and is an extraordinary power to be exercised in exceptional cases. It protects individuals from false implication and provides conditional immunity from custody without obstructing the police investigation.

“The distinction between an ordinary order of bail and an order under Section 438 of the Code is that whereas the former is granted after arrest, and therefore means release from custody of the Police, the latter is granted in anticipation of arrest and is therefore effective at the very moment of arrest.”

SUPREME COURT OF INDIA • 2007

SOURCE ESCR010005932007

04 Apoorva Arora v. State (Govt. of NCT of Delhi)

SUPREME COURT OF INDIA • 2024-03-19 • 2024 INSC 223

This case concerns whether the use of profane and vulgar language in a web-series constitutes obscenity under sections 67 and 67A of the Information Technology Act. The Supreme Court clarified that while the law prohibits content that is lascivious, appeals to prurient interests, or tends to corrupt the minds of viewers, the use of profanities and swear words—even if literally sexual—does not automatically constitute obscenity. The Court held that such language, when viewed in the context of the series' theme, does not arouse sexual feelings or lust in an ordinary person. Consequently, the Court set aside the High Court's decision and quashed the FIR, noting that neither the test for obscenity nor the criteria for sexually explicit conduct were met.

HELD The Supreme Court held that the use of vulgarity, profanities, or expletives in media content does not automatically amount to "sexually explicit conduct" under Section 67A or "obscenity" under Section 67 of the IT Act. Such language must be evaluated using the community standard test of an ordinary, prudent person rather than a hypersensitive mind.

"The term 'sexually explicit act or conduct' does not cover profanities/ expletives/ swear words, even if the literal meaning of these terms refers to sexual acts. The literal meaning is not intended through the common usage of these words."

SUPREME COURT OF INDIA • 2024

SOURCE ESCR010001992024

05 Srikant Upadhyay & Ors. v. State of Bihar & Anr.

SUPREME COURT OF INDIA • 2024-03-14 • 2024 INSC 202

This case addressed whether an anticipatory bail application prevents a trial court from initiating proclamation proceedings under Section 82 of the Code of Criminal Procedure (Cr.P.C.) against an accused who is absconding. The Supreme Court held that the mere pendency of an anticipatory bail application, in the absence of an interim protection order, does not bar a trial court from issuing proclamations or taking further steps under Sections 82 and 83 of the Cr.P.C. The court emphasized that the power to grant anticipatory bail is extraordinary and should not be used as a shield by those who consistently disobey court summons and warrants. Furthermore, the court clarified that filing such an application through an advocate does not constitute a valid appearance before the court.

HELD The Supreme Court held that an accused cannot use a pending application for anticipatory bail as a shield to evade warrants or summonses. In the absence of an interim protection order, trial courts remain fully empowered to initiate proclamation proceedings under Section 82 of the CrPC against an absconding accused.

"the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail under Section 438, Cr. PC is an exceptional power and should be exercised only in exceptional cases and not as a matter of course."

SUPREME COURT OF INDIA • 2024

SOURCE ESCR010001492024

06 Freed v. State of H.P.

HIGH COURT OF HIMACHAL PRADESH • 2020-07-06 • CRMPM/950/2020

The petitioners sought anticipatory bail under Section 438 of the Code of Criminal Procedure, fearing arrest in connection with FIR No. 78 of 2020, registered at Police Station Majra, District Sirmour, for various offenses under the Indian Penal Code, including attempt to murder. The High Court examined the legal principles governing the grant of anticipatory bail, citing landmark Supreme Court precedents. The court emphasized that the power to grant such bail is a discretionary, statutory right meant to prevent misuse of arrest procedures

against individuals, rather than a blanket shield against legitimate criminal investigations. The judgment provides an extensive analysis of the legislative history and the court's role in determining whether a reasonable apprehension of arrest exists.

HELD Citing the Constitution Bench in *Gurbaksh Singh Sibbia*, the High Court ruled that anticipatory bail cannot be granted on vague or general apprehensions of arrest. It is a discretionary tool meant to secure liberty, not a license to commit offenses or a blanket immunity against investigations.

“Anticipatory bail 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.”

HIGH COURT OF HIMACHAL PRADESH • 2020

SOURCE HPHC010213442020

07 Shajan Skaria v. The State of Kerala & Anr.

SUPREME COURT OF INDIA • 2024-08-23 • 2024 INSC 625

This case addressed whether Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 creates an absolute bar to granting anticipatory bail. The Supreme Court held that the section does not impose an absolute bar; rather, courts may grant pre-arrest bail if a prima facie case for an offence under the 1989 Act is not made out. The court emphasized that insults or intimidation against a member of a protected community only constitute an offence under the Act if they are committed specifically because of the victim's caste identity. Finding that the appellant's actions were rooted in personal enmity rather than caste-based bias, the court set aside the High Court's refusal of bail.

HELD The Supreme Court traced the history of Section 438 CrPC, noting that the provision was introduced to safeguard personal liberty and freedom in a democratic nation, ensuring that individuals are not subjected to harassment or humiliation through false cases.

“The purpose behind incorporating Section 438 in CrPC was to recognise the importance of personal liberty and freedom in a free and democratic country.”

SUPREME COURT OF INDIA • 2024

SOURCE ESCR010005652024

08 Naresh Kumar Yadav v. Ravindra Kumar

SUPREME COURT OF INDIA • 2007-10-23 • 2007 INSC 1097

This case concerns the criteria for granting anticipatory bail under Section 438 of the Code of Criminal Procedure. The Supreme Court emphasized that such relief is an extraordinary power to be exercised only in exceptional cases where an applicant has a genuine, well-founded 'reason to believe' they will be arrested for a non-bailable offense. The Court cautioned against issuing 'blanket' bail orders, which protect against any and all potential arrests regardless of the nature of the alleged unlawful activity. Finding that the High Court had improperly granted protection based on erroneous factual premises, the Supreme Court set aside the order and directed the accused to surrender and seek regular bail.

HELD The Supreme Court cautioned against the judicial practice of issuing "blanket" anticipatory bail orders. Pre-arrest bail requires a tangible, well-founded apprehension of arrest for a specific offense rather than generalized fears of harassment.

"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."

SUPREME COURT OF INDIA • 2007

SOURCE ESCR010001692007

09 Just Rights for Children Alliance v. S. Harish

SUPREME COURT OF INDIA • 2024-09-23 • 2024 INSC 716

The Supreme Court examined the scope of Section 15 of the Protection of Children from Sexual Offences (POCSO) Act regarding child pornography. The Court held that Section 15 constitutes an inchoate offence, penalizing the storage or possession of child pornographic material with specific intent. It established that 'possession' includes 'constructive possession,' meaning individuals who exercise control over such material—even without physical storage—are liable. The ruling clarified that actual transmission is not required for an offence. Additionally, the Court interpreted Section 67B of the IT Act broadly, as part of a comprehensive framework to punish online exploitation of children, and held that courts may form a prima facie opinion to identify child pornography based on a prudent person standard.

HELD The Supreme Court explained that the IT Act provides an umbrella framework for penalizing electronic obscenity. Section 67 serves as the principal, baseline offense for obscene electronic materials, while Section 67A represents an aggravated offense with enhanced penalties for sexually explicit content.

"Section 67 of the IT Act is the principal provision that criminalizes the publication or transmission of "obscene material" in any electronic form and constitutes an offence. Section 67A of the IT Act, is a more aggravated offence, prescribing enhanced punishment than the preceding provision."

SUPREME COURT OF INDIA • 2024

SOURCE ESCR010004852024

10 Pesala Sivashankar Reddy v. State of Andhra Pradesh

HIGH COURT OF ANDHRA PRADESH • 2024-12-09 • CRLP/8201/2024

The petitioner sought relief regarding criminal charges filed against him for allegedly defamatory social media posts concerning state officials. The prosecution invoked Section 111 of the Bharatiya Nyaya Sanhita (BNS), which pertains to organized crime, and Section 67 of the Information Technology Act. The court held that the invocation of Section 111 of the BNS was inappropriate, noting that the statutory requirement of filing more than one charge sheet within the preceding ten years for similar offenses was not met. The court emphasized that investigating officers must strictly adhere to the legislative definitions of organized crime. Consequently, the

court scrutinized the applicability of these serious charges in the context of the petitioner's alleged social media activities.

HELD The Andhra Pradesh High Court held that political social media posts criticizing public officials cannot be arbitrarily classified as "organized crime" under Section 111 of the BNS. Investigating agencies must strictly adhere to statutory requirements and definitions before invoking grave provisions.

"Any continuing unlawful activity including kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, economic offence, cyber -crimes, trafficking of persons, drugs, weapons or illicit goods or services... singly or jointly, either as a member of an organized crime syndicate... shall constitute organized crime."

HIGH COURT OF ANDHRA PRADESH • 2024

SOURCE APHC010510832024

11 Asheesh Kumar v. State of U.P.

ALLAHABAD HIGH COURT • 2025-07-31 • NABAIL/4464/2025

This case addresses whether an anticipatory bail application is maintainable when a person is merely issued a summons in a complaint case involving a non-bailable offence. The court examined the requirements of Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), noting that for anticipatory bail to be maintainable, there must be a reasonable, objective apprehension of arrest rather than a vague or general fear. The court emphasized that the 'reason to believe' an arrest is imminent must be grounded in facts, as established by Supreme Court precedent, and that the custody of a court under a summons differs from a police arrest without a warrant.

HELD Under Section 482 of the BNSS, 2023, the Allahabad High Court ruled that a "reason to believe" an arrest is imminent must be grounded in objective facts rather than a subjective fear. The mere issuance of a court summons does not satisfy the statutory threshold of apprehending a police arrest without a warrant.

"As per Section 2(29) B.N.S., "reason to believe" means sufficient cause to believe that thing but not otherwise. Therefore, mere fear will not be sufficient."

ALLAHABAD HIGH COURT • 2025

SOURCE UPHC012853722025

12 Nalla Balu v. State of Telangana

HIGH COURT FOR STATE OF TELANGANA • 2025-09-10 • CRLP/8416/2025

The petitioner filed multiple petitions seeking the quashing of criminal proceedings initiated against him for various social media posts criticizing the Chief Minister and the Congress party in Telangana. The state alleged that these tweets violated provisions of the Bharatiya Nyaya Sanhita and the Information Technology Act by inciting public unrest, defaming the Chief Minister, and causing public mischief. The petitioner argued that his posts were legitimate political criticism protected under the right to freedom of speech. The court noted that

while social media posts can amount to criminal offenses, the prosecution must demonstrate clear evidence of both the requisite intent and harmful consequences. It emphasized the need to balance constitutional free speech rights against the maintenance of public order, ultimately requiring that statutory elements of the charged offenses be met.

HELD The Telangana High Court observed that social media posts criticizing political leadership do not automatically constitute criminal offenses unless they carry a clear intent to incite violence or public unrest. Courts must carefully balance the fundamental right to free speech under Article 19(1)(a) against public order concerns.

“Learned counsel for the petitioner contends that the impugned tweets constitute an exercise of the petitioner,s fundamental right to freedom of speech and expression. made on social media purely as expressions of political opinion, without any intent to incite violence or disturb public peace.”

HIGH COURT FOR STATE OF TELANGANA • 2025

SOURCE HBHC010383872025

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