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APHC010108792026



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3207]

FRIDAY, THE SEVENTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

WRIT PETITION NO: 6748/2026

Between:

1. SAJJALA BHARGHAV REDDY, S/O. S RAMAKRISHNA REDDY,
AGED 35 YRS, R/O. VILLA NO. 85, RAINTREE PARK VILLAS,
NAMBURU VILLAGE, PEDDAKAKANI MANDAL, GUNTUR
DISTRICT. 522 508

...PETITIONER

AND

1. THE UNION INDIA, REP. BY ITS SECRETARY, MINISTRY OF HOME AFFAIRS (MHA) GOVERNMENT OF INDIA, SOUTH BLOCK, NEW DEIHI-110 001
2. BUREAU OF IMMIGRATION, MINISTRY OF HOME AFFAIRS, GOVERNMENT OF INDIA, REP. BY ITS COMMISSIONER (IMMIGRATION), EAST BLOCK - VIII, LEVAL - V, SECTOR, 1, R.K. PURAM, NEW DELHI - 110 066.
3. BUREAU OF IMMIGRATION, MINISTRY OF HOME AFFAIRS, GOVERNMENT OF INDIA, REP. BY ITS JOINT DIRECTOR (IMMIGRATION), NORTH BLOCK, NEW DELHI - 110 066
4. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, FR DEPARTMENT OF HOME, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR

- DISTRICT-522 238. 1
5. THE DIRECTOR GENERAL OF POLICE, STATE OF ANDHRA PRADESH, MANGALAGIRI, GUNTUR DISTRICT-522 503.
 6. THE SUPERINTENDENT OF POLICE, CID POLICE STATION, MANGALAGIRI, GUNTUR DISTRICT, ANDHRA PRADESH - 522 503.
 7. THE SUPERINTENDENT OF POLICE, VIJAYAWADA, KRISHNA DISTRICT. ANDHRA PRADESH - 520 002.
 8. THE SUPERINTENDENT OF POLICE, NARASARAOPET, PALNADU DIST., ANDHRA PRADESH -522 601.
 9. THE SUPERINTENDENT OF POLICE, KADAPA, YSR KADAPA DIST. ANDHRA PRADESH -516001,
 10. THE SUPERINTENDENT OF POLICE, AMALAPURAM, EAST GODAVARI DIST., ANDHRA PRADESH -533 201.
 11. THE SUPERINTENDENT OF POLICE, PUTTAPARTHI, SRI SATYA SAI DIST., ANDHRA PRADESH - 515134
 12. THE SUPERINTENDENT OF POLICE, MANGALAGIRI, GUNTUR DIST., ANDHRA PRADESH - 522 503
 13. THE SUPERINTENDENT OF POLICE, RAYACHOTI, ANNAMAYYA DIST., ANDHRA PRADESH -516 269
 14. THE COMMISSIONER OF POLICE, CYBER CRIME POLICE STATION, VIJAYAWADA, NTR DISTRICT, ANDHRA PRADESH - 520 002
 15. THE SUPERINTENDENT OF POLICE, ELURU, ELURU DIST., ANDHRA PRADESH - 534 006
 16. THE SUPERINTENDENT OF POLICE, GENERAL OFFENCE POLICE STATION, CID2 GUNTUR DIST., ANDHRA PRADESH - 522 001
 17. THE SUPERINTENDENT OF POLICE, BAPATLA, BAPATLA DISTRICT., ANDHRA PRADESH - 522 101.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order, or Direction, more particularly one in the nature 'Writ of Mandamus, declaring the Look Out Circular (LOC) issued against the Petitioner by the Respondents 1 to 3 at the instance of Respondents 5 to 17 in relation to Cr.No's. 263/2024 of II Town Gudiwada PS, 228/2024 of Macharla PS, 409/2024 of Pulivendula U/G PS, 213/2024 of Prakash Nagar PS, 411/2024 Pulivendula U/G PS, 165/2024 of Kadiri Rural U/G PS, 495/2024 of Mangalagiri Rural PS, 189/2024 of B. Kothakota U/G PS, 132/2024 of Roddam PS, Penukonda Circle, 30/2024 of Cyber Crime PS NTR Dist., 321/2024 of Bhimavaram I Town PS, 8/2024 of General Offences PS CID2, 16/2024 of General Offences PS CID2, and 256/2024 of Chirala PS as arbitrary, illegal, malafide, and violative of the Articles 14 and 21 of the Constitution of India, and consequently direct the Respondents not to obstruct or restrain the Petitioner from travelling within or outside India, by setting aside the LOC issued against the Petitioner, and to pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the Look-Out Circular (LOC) issued by Respondent No.5 to 17 against the Petitioner, by duly directing the respondents herein, not to prevent or obstruct the Petitioner from travelling within or outside India, including for medical, professional, or personal purposes, pending disposal of the present Writ Petition, and to pass

Counsel for the Petitioner:

1.PATIL YUGANDHAR REDDY

Counsel for the Respondent(S):

1.GP FOR HOME

2.Y V ANIL KUMAR (Central Government Counsel)

3.A RAVINDRA BABU (CENTRAL GOVT COUNSEL)

The Court made the following:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND**WRIT PETITION No.6748 of 2026****ORDER: -**

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“.... to issue a Writ, Order, or Direction, more particularly one in the nature of Writ of Mandamus, declaring the Look Out Circular (LOC) issued against the Petitioner by the Respondents 1 to 3 at the instance of Respondents 5 to 17 in relation to Cr.Nos.263/2024 of II Town Gudiwada PS., 228/2024 of Macharla PS, 409/2024 of Pulivendula U/G PS, 213/2024 of Prakash Nagar PS, 411/2024 Pulivendula U/G PS, 165/2024 of Kadiri Rural U/G PS, 495/2024 of Mangalagiri Rural PS, 189/2024 of B. Kothakota U/G PS, 132/2024 of Roddam PS, Penukonda Circle, 30/2024 of Cyber Crime PS NTR Dist., 321/2024 of Bhimavaram I Town PS, 8/2024 of General Offences PS CID2, 16/2024 of General Offences PS CID2, and 256/2024 of Chirala PS as arbitrary, illegal, malafide, and violative of the Articles 14 and 21 of the Constitution of India, and consequently direct the Respondents not to obstruct or restrain the Petitioner from travelling within or outside India, by setting aside the LOC issued against the petitioner.”

2. Heard Sri R. Yella Reddy, learned counsel for the petitioner; Sri Challa Dhanumjaya, learned Additional Solicitor General for Respondent Nos.1 to 3; Sri M. Laxminarayana, learned Public Prosecutor for Respondent Nos.6 and 16 and Smt. A. Jayanthi, learned Government Pleader for Home for remaining respondents.

3. All the respondents filed their counter-affidavits.

4. **Submissions of the learned counsel for the petitioner:**

(i) The allegations made against the petitioner are baseless, unsubstantiated and are made with an ulterior motive to harass him and to damage his reputation. In all 14 criminal cases registered against the petitioner in different police stations, the petitioner approached this Court by filing quash petitions and anticipatory bail petitions and he is protected by the interim orders passed by this Court.

(ii) The learned counsel further submits that despite of the petitioner bonafide cooperation with the ongoing investigation, the respondent Nos.5 to 17 as arbitrarily, illegally and without following due process has issued a Look-out-Circular (LOC) against the petitioner which has curtailed the fundamental right to travel and personal liberty which is arbitrary and illegal and violative of Articles 14 and 21 of the Constitution of India and the same is liable to be quashed.

5. **Submissions of the learned Public Prosecutor and learned Government Pleader for Home for Respondent Nos.4 to 17:**

(i) It is submitted that 14 criminal cases were registered in different police stations against the accused including the petitioner. The allegations pertain to posting derogatory, obscene and inflammatory content on social media platform targeting the Hon'ble Chief Minister of Andhra Pradesh, other Public Representatives, and Institutions, thereby allegedly promoting enmity, disturbing public peace and inciting

communal disharmony. It is further submitted that the investigation in the above crimes is still in progress and further examination of witnesses is pending.

(ii) It is further submitted that though the petitioner is arrayed as accused in all 14 criminal cases in only 02 cases i.e., Crime No.263/2024 of II Town Police Station, Gudivada, Krishna District and Crime No.189/2024 of B. Kothakota U/G Police Station, Annamayya District, Look-out-Circulars were issued against the petitioner. It is further submitted that as all required legal formalities were completed and the purpose of issuance of LOC stood satisfied, proposals were sent for its withdrawn in Crime No.263/2024 of II Town Police Station, Gudivada, Krishna District and accordingly, the Bureau of Immigration, Ministry of Home Affairs, Government of India withdrew the LOC bearing No.2024438179 against the petitioner on 26.02.2026. It is further submitted that on 07.11.2024 the respondent No.13 addressed a request to the Additional Director General of Police, CID, Andhra Pradesh, seeking issuance of a Look-out-Circular against the petitioner in view of the multiple criminal cases registered against him within the State of Andhra Pradesh. Pursuant thereto, the Bureau of Immigration issued LOC on 08.11.2024.

(iii) It is further contended that the petitioner being associated with a political parties' social media wing has played a role in dissemination of abusive and morphed contents through Coordinated Digital Plot Forms.

Investigation further revealed financial transactions in support of such activities. The investigation is still in progress. Technical data, Bank details and information from service providers are being collected and efforts are being made to secure the presence of the accused and gather digital evidence. Custodial interrogation is required to ascertain the larger conspiracy. In view of the multiple criminal antecedents across the State in similar offences against the petitioner and he is not cooperating to the investigation.

6. **Submissions of the learned Additional Solicitor General for Respondent Nos.1 to 3:**

It is submitted that a Look-out-Circular has been issued in the name of the petitioner on 08.11.2024 vide Originator's Letter, dated 04.11.2024. It is further submitted that the Ministry of Home Affairs, Government of India, has issued guidelines for issuance of Look-out-Circulars, vide MHAOM No.25016/10/2017-Imm (pt.), dated 22.02.2021 and as per para No.6 (g) of the guidelines, the legal liability of the action taken by the Immigration Authorities in pursuance of LOC rests with the Originating Authority i.e., SP, Annamayya District, Rayachoti, Andhra Pradesh, in the instant case. It is further contended that as per para No.6(f) and (m) of the said guidelines, it is the responsibility of the Originator to constantly review the LOC request and proactively provide additional parameters to minimize harassment to genuine passengers. It is further submitted that the withdrawal/amendment/revoking of the LOC

against the persons is the sole prerogative of the Originator. The Bureau of Immigration is only a custodian of LOCs and has no objection in withdrawal of LOC against the petitioner, if the respondent No.13 recommends or the Hon'ble Court directs for the same.

7. Having considered the submissions of the respective counsels and on careful perusal of the material available on record, the following facts emerge for consideration:

(i) The petitioner is the accused in 14 criminal cases registered in different police stations in different Districts in the State of Andhra Pradesh. Those criminal cases are registered against the accused therein for posting abusive, objectionable, morphed and misleading contents on social media plot-forms targeting the Hon'ble Chief Minister of Andhra Pradesh and his family members, Deputy Chief Minister and other Public Representatives of Andhra Pradesh targeting them, thereby, inciting discord and disturbing public peace.

(ii) During the investigation, it is revealed that the petitioner functioned as State Coordinator of a Political Party's Social Media wing was involved in the alleged activities.

(iii) The petitioner approached this Court by filing Criminal Petitions seeking to quash the criminal cases registered against him. This Court granted stay of arrest of the petitioner for a period of two weeks initially and thereafter extended until further orders. In some criminal petitions directed the police to follow the procedure as contemplated under Section

35(3) of BNSS (Section 41-A of the erstwhile Code of Criminal Procedure). Admittedly, all the 14 criminal cases are pending under investigation. Now the petitioner is protected by virtue of the orders passed by this Court.

(iv) Out of the 14 criminal cases, in a case which was registered in Crime No.263 of 2024 of II Town Gudiwada Police Station under Sections 192, 196, 336(4), 340(2), 353(2), 79, 111(2)(b), 79 of BNS and Section 67 of the Information Technology Act, 2000, the petitioner approached this Court in Criminal Petition No.9112 of 2024 seeking to quash the FIR and this Court by order, dated 16.12.2024, granted stay of arrest of the petitioner for a period of two (02) weeks initially and further extended until further orders. The petitioner also approached this Court in Criminal Petition No.8059 of 2024 seeking anticipatory bail and this Court by order, dated 07.05.2025 directed the concerned Station House Officer to follow the procedure as contemplated under Section 35(3) of BNSS (Section 41-A of the erstwhile Code of Criminal Procedure). In compliance of the same, a notice under Section 35(3) of BNSS was served on the petitioner on 24.09.2025. In this case vide proceedings in C.No.287/C2/2024, dated 12.11.2024 a Look-out-Circular (LOC) was issued against the petitioner. Thereafter, proposals were sent for its withdrawn. Accordingly, Bureau of Immigration, Ministry of Home Affairs, Government of India, withdrew the Look-out-Circular (LOC) bearing No.2024438179 against the petitioner on 26.02.2026.

(v) Basing on the complaint lodged by one Chakana Raja before B. Kothakota U/G Police Station, Annamayya District, a case was registered in Crime No.189 of 2024 under Sections 352, 353(1)(c), 353(2), 61(1)(a), 79, 111(2)(b), 192 r/w 35 of BNS and Sections 66 and 67 of Information Technology Act, 2000 and the petitioner is arrayed as accused in this case. In Criminal Petition No.9120 of 2024 filed by the petitioner, this Court by order, dated 16.12.2024 granted stay of arrest of the petitioner for a period of two (02) weeks initially and further extended until further orders. In this case, this Court in Criminal Petition No.8550 of 2024 by order, dated 07.05.2025 has directed the concerned Station House Officer to follow the procedure as contemplated under Section 35(3) of BNSS (Section 41-A of the erstwhile Code of Criminal Procedure) scrupulously, as per the guidelines enunciated in ***Arnesh Kumar v. State of Bihar and another*** [(2014) 8 SCC 273].

(vi) On 07.11.2024 the Superintendent of Police, Annamayya District i.e., 13th respondent herein addressed a letter to the Additional Director General of Police, CID, Andhra Pradesh vide reference No.C/09/LOC/SB/ANM/2024, seeking issuance of a Look-out-Circular (LOC) against the petitioner. Pursuant to the same, the Bureau of Immigration, Ministry of Home Affairs, Government of India, issued a Look-out-Circular (LOC) against the petitioner on 08.11.2024.

(vii) At this stage, the petitioner approached this Court by filing this writ petition seeking a writ of Mandamus to declare the Look-out-Circular

(LOC) issued against him as arbitrary, illegal, malafide and violative of Articles 14 and 21 of the Constitution of India and for a consequential direction to the respondents not to obstruct or restrain him from travelling within or outside India by setting aside the Look-out-Circular (LOC) issued against him.

8. Now, the point to be considered in this writ petition is whether the issuance of Look-out-Circular (LOC) on 08.11.2024 against the petitioner and continuance of the same is in accordance with law or not?

9. **Analysis, reasoning and finding:**

For proper adjudication of the issue involved in this writ petition, it is necessary and relevant to look into the consolidated guidelines for issuance of Look-out-Circular (LOC) in respect of Indian citizens and foreigners issued vide Office Memorandum No.25016/10/2017-Imm (Pt), dated 22.02.2021 by the Ministry of Home Affairs, Government of India.

The relevant portion of the said guidelines is extracted herein under:

3. In a related judgment delivered on 11.08.2010 by the Hon'ble High Court of Delhi in W.P.(Crl.) No.1315/2008-Sumer Singh Salkan Vs. Asstt. Director & Ors and Crl.Ref.1/2006-Court on its Own Motion Re: State Vs. Gurnek Singh etc., the Court has answered four questions raised by a lower Court on the LOC. These questions framed by the Court were as follows:

- (a) What are the categories of case in which the investigating agency can seek recourse of Look-Out-Circular and under what circumstances?
- (b) What procedure is required to be followed by the investigating agency before opening a Look-out-Circular?

- (c) What is the remedy available to the person against whom such Look-out-Circular has been opened?
- (d) What is the role of the concerned Court when such a case is brought before it and under what circumstances the subordinate courts can intervene?

4. The Hon'ble High Court in its aforesaid judgment dated 11.08.2010 answered these questions, which are reproduced below, for guidance of all concerned agencies:

(a) Recourse to LOC can be taken by investigating agency in cognizable offences under IPC or other penal laws, where the accused was deliberately evading arrest or not appearing in the trial court despite Non Bailable Warrant (NBW) and other coercive measures and there was likelihood of the accused leaving the country to evade trial/arrest.

(b) The Investigating Officer shall make a written request for LOC to the officer as notified by the circular of Ministry of Home Affairs, giving details and reasons for seeking LOC. The competent officer alone shall give directions for opening LOC by passing an order in this respect.

(c) The person against whom LOC is issued must join investigation by appearing before I.O. or should surrender before the court concerned or should satisfy the court that LOC was wrongly issued against him. He may also approach the officer who ordered issuance of LOC & explain that LOC was wrongly issued against him. LOC can be withdrawn by the authority that issued and can also be rescinded by the trial court where case is pending or having jurisdiction over concerned police station on an application by the person concerned.

(d) LOC is a coercive measure to make a person surrender to the investigating agency or Court of law. The subordinate courts' jurisdiction in affirming or cancelling LOC is commensurate with the jurisdiction of cancellation of NBWs or affirming NBWs.

6. (J) The LOC opened shall remain in force until and unless a deletion request is received by Bol from the Originator itself. No LOC shall be deleted automatically. Originating Agency must keep reviewing the LOCs opened at its

behest on quarterly and annual basis and submit the proposals to delete the LOC if any, immediately after such a review. The BOI should contact the LOC Originators through normal channels as well as through the online portal. In all cases where the person against whom LOC has been opened is no longer wanted by the Originating Agency or by Competent Court, the LOC deletion request must be conveyed to BoI immediately so that liberty of the individual is not jeopardized.”

6 (L). In exceptional cases, LOCs can be issued even in such cases, as may not be covered by the guidelines above, whereby departure of a person from India may be declined at the request of any of the authorities mentioned in clause (B) above, if it appears to such authority based on inputs received that the departure of such person is detrimental to the sovereignty or security or integrity of India or that the same is detrimental to the bilateral relations with any country or to the strategic and/or economic interests of India or if such person is allowed to leave, he may potentially indulge in an act of terrorism or offences against the State and/or that such departure ought not be permitted in the larger public interest at any given point in time.

10. On careful perusal of the above, it reveals that the Investigating Agency can take recourse to LOC in cognizable offences under IPC (Now BNSS) or other penal laws, where the accused was deliberately evading arrest or not appearing in the trial court despite Non Bailable Warrant and other coercive measures and there was likelihood of the accused leaving the country to evade trial/arrest. The sub para ‘J’ states that the LOC opened shall remain in force until and unless a deletion request is received from the Originator itself. No LOC shall be deleted automatically. Originating Agency must keep reviewing the LOCs opened at its behest on quarterly and annual basis and submit the proposals to delete the LOC immediately after such a review. The sub para ‘L’ of para

6 of the guidelines indicates that Look-out-Circulars could be issued in exceptional cases where the departure of the person concerned would be detrimental to the sovereignty, security and integrity of India or is detrimental to the bilateral relations with any country or to the strategic and/or economic interests of India or that person may potentially indulge in an act of terrorism or offence against the State and as such if such person is allowed to leave the country and/or such departure ought not be permitted in the larger public interest at any given point of time.

11. As seen from the averments in the counter-affidavit filed by Respondent Nos.5 and 13, it is averred that the petitioner being associated with a political party's social media wing, played a role in dissemination of abusive and morphed content through co-ordinate digital plot forms and investigation revealed financial transactions in support of such acts. Technical data, bank details and information from service providers are being collected and to gather digital evidence, presence of the accused to be secured. As the petitioner has multiple criminal antecedents across the State in similar offences, the predecessor of the Superintendent of Police, Annamayya District addressed a request on 07.11.2024 to the Additional Director General of Police, CID, Andhra Pradesh seeking issuance of a Look-out-Circular against the petitioner and pursuant thereto, the Bureau of Immigration, issued the LOC on 08.11.2024.

12. In view of the admitted fact that the petitioner is accused in multiple criminal cases registered in different police stations, across the State and to ensure proper investigation, to gather the evidence and to secure the presence of the petitioner for investigation, this Court could not find fault with request of the then Superintendent of Police, Annamayya District to issue LOC against the petitioner. The LOC is to ensure monitoring the movements of the accused in ongoing investigations to prevent absconding. It is settled law that once a cognizable offence is registered, the investigating agency is legally justified in requesting to issue LOC. As such, I do not find any illegality or violation of Article 21 of the Constitution of India in issuing LOC by Bol against the petitioner.

13. Admittedly, in this case, the Look-out-Circular was issued against the petitioner at request of 13th respondent in Crime No.189 of 2024 of B. Kothakota U/G Police Station, Annamayya District which was registered under Sections 352, 353(1)(c), 353(2), 61(1)(a), 79, 111(2)(b), 192 r/w 35 of BNS and Sections 66 and 67 of Information Technology Act, 2000. This Court in Criminal Petition No.8550 of 2024 by order, dated 07.05.2025 has directed the concerned Station House Officer to follow the procedure as contemplated under Section 35(3) of BNSS (Section 41-A of the erstwhile Code of Criminal Procedure) scrupulously, as per the guidelines enunciated in ***Arnesh Kumar v. State of Bihar and another*** [(2014) 8 SCC 273]. The contention of the learned State Public Prosecutor is that the investigating agency could not serve notice to the

petitioner, as his whereabouts are not available. This Court is unable to accept said contention. If the State Police are not in a position to serve notice to a person like the petitioner, who worked as State Coordinator of a political party's social media wing, how this Court can expect that the State police can serve notices or execute warrants against ordinary persons who are the accused in various cases.

14. The fact remains that the material on record does not indicate that the respondent No.3 made attempt to serve any notice to the petitioner and the petitioner evaded the investigation. Under these circumstances, this Court has to examine whether the personal liberty guaranteed under Article 21 of the Constitution of India in the case of petitioner is curtailed or not due to continuance of LOC on the pretext of ongoing investigation.

15. At this juncture, it is very pertinent to refer the following decisions of the Hon'ble Apex Court and the various High Courts as extracted herein under:

(1) In **Sumit Mehta v. State of NCT of Delhi**¹, the Apex Court at para No.13 observed as herein under:

"The law presumes an accused to be innocent till his guilt is proved. As a presumable innocent person, he is entitled to all the fundamental rights including the right to liberty guaranteed under Article 21 of the Constitution of India."

¹2013 (15) SCC 570 : MANU/SC/0935/2013

(2) In **Menaka Gandhi vs. Union of India**², the Apex Court held that no person can be deprived of his right to go abroad unless there is a law enabling the State to do so and such law contains fair, reasonable and just procedure. The relevant Para No.5 is extracted herein under:

“5. Thus, no person can be deprived of his right to, go abroad unless there is a law made by the State prescribing the procedure for so depriving him and the deprivation is effected strictly in accordance with such procedure. It was for this reason, in order to comply with the requirement of Article 21, that Parliament enacted the Passports Act, 1967 for regulating the right to go abroad. It is clear from the provisions of the Passport may be issued or refused or canceled or impounded and also prescribes a procedure for doing so, but the question is whether that is sufficient compliance with Article 21. Is the prescription of some sort of procedure enough or must the procedure comply with any particular requirements? Obviously, procedure cannot be arbitrary, unfair or unreasonable. This indeed was conceded by the learned Attorney General who with his usual candour frankly stated that it was not possible for him to contend that any procedure howsoever arbitrary, oppressive or unjust may be prescribed by the law. Therefore, such a right to travel abroad cannot be deprived except by just, fair and reasonable procedure.”

(3) In **Satish Chandra Verma v. Union of India (UOI) and Others**³, the Apex Court observed at para No.5 as extracted herein under:

“5. The right to travel abroad is an important basic human right for it nourishes independent and self-determining creative character of the individual, not only by extending his freedoms of action, but also by extending the scope of his experience. The right also extends to private life; marriage, family and friendship which are the basic humanities which can be affected through refusal of freedom to go abroad and this freedom is a genuine human right.”

² 1978 (1) SCC 248 : MANU/SC/0133/1978

³ MANU/SC/0826/2019

(4) In a recent judgment of the Apex Court in case of **Mahesh Kumar Agarwal vs. Union of India & Anr.**,⁴ while dealing with the aspect of freedom of a citizen and rights guaranteed under Article 21 of the Constitution of India, observed as herein under:-

“Liberty, in our constitutional scheme, is not a gift of the State but its first obligation. The freedom of a citizen to move, to travel, to pursue livelihood and opportunity, subject to law, is an essential part of the guarantee under Article 21 of the Constitution of India. The State may, where statute so provides, regulate or restrain that freedom in the interests of justice, security or public order but such restraint must be narrowly confined to what is necessary, proportionate to the object sought to be achieved, and clearly anchored in law. When procedural safeguards are converted into rigid barriers, or temporary disabilities are allowed to harden into indefinite exclusions, the balance between the power of the State and the dignity of the individual is disturbed, and the promise of the Constitution is put at risk.”

(5) Very recently in **Vineet Gupta v. Union of India**⁵, the Delhi High Court has observed as under-

“28. On the conspectus of the aforementioned decisions and memorandum, it is seen that the following guiding principles emerge governing the issuance, continuance, and judicial review of LOC:

(i) LOC constitutes a coercive executive measure having a substantial impact on the fundamental right to travel, which forms an integral facet of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India. Consequently, the power to issue an LOC must be exercised sparingly, strictly in accordance with law, and only upon satisfaction of the conditions prescribed under the governing Office Memoranda;

(ii) An LOC may be issued only in cases involving a cognizable offence under the relevant statutes, where specific, tangible material demonstrates that the person concerned is deliberately evading arrest or judicial process, or that there exists a real and proximate likelihood of absconding;

⁴ 2025 INSC 1476

⁵ 2026:DHC:1616

(iii) Moreover, the exceptional power under Clause 6 (L) of the Office Memorandum dated 22.02.2021 is to be narrowly construed and may be exercised only in rare and compelling cases, where, the proposed departure of subject poses a clear and grave threat to the sovereignty, security, or integrity of India, or to its strategic or economic interests in a national or systemic sense, or the larger public interest;

(iv) x x x x

(v) Courts, in exercise of writ jurisdiction, are duty-bound to subject the issuance and continuation of LOCs to strict scrutiny, balancing the legitimate interests of the State with the individual's fundamental rights, and to quash such circulars where the restraint imposed is found to be arbitrary, disproportionate, lacking in statutory backing, or violative of the principles of fairness, reasonableness, and due process. Ultimately, the burden lies squarely upon the "originating agencies" to justify, the necessity, proportionality, and legality of the restraint, failing which such action cannot be sustained. Pertinent to observe that the continuance of an LOC is not indefinite and must be periodically reviewed. Where it is evident from the record that the subject has cooperated with the investigation, has not evaded the process of law, and where no further interrogation or presence is demonstrably required, the continued operation of an LOC would amount to an unreasonable and unjustified restriction on personal liberty;"

16. It is settled law that an accused to be innocent till his guilt is proved. In the present case, the FIR was registered on 04.11.2024 against the petitioner and 13th respondent made request seeking issuance of a Look-out-Circular on 07.11.2024 and the Bureau of Immigration, Ministry of Home Affairs, Government of India, issued a Look-out-Circular on 08.11.2024.

17. The fact remains that this Court by order, dated 07.05.2025 in Criminal Petition No.8550 of 2024 directed the concerned Station House Officer to follow the procedure as contemplated under Section 35(3) of BNSS (Section 41-A of the erstwhile Code of Criminal Procedure) scrupulously, as per the guidelines enunciated in *Arnesh Kumar's case*

(supra). But, admittedly till date the notice required under Section 35(3) of BNSS is not served to the petitioner and still investigation is pending. The material on record does not reveal any attempt by the petitioner to evade the investigation or abscond from the jurisdiction of the Court. As such, the respondents cannot contend that the petitioner has failed to participate in any legal proceedings and they failed to secure the presence of the petitioner.

18. Besides this, no material placed before this Court to satisfy so as to whether the respondent No.13 i.e., the Originator of the LOC has reviewed the LOC on quarterly and annual basis as required under clause 6(J) of OM, dated 22.02.2021 issued by the Ministry of Home Affairs, Government of India. Under this factual back drop and in the light of the settled law that the Right to travel abroad has been recognized as an integral facet of the right to live and personal liberty guaranteed under Article 21 of the Constitution of India, in the considered opinion of this Court, the petitioner fundamental right cannot be curtailed indefinitely on the guise of prolonged and uncertain investigation.

19. For the aforesaid reasons, this Court holds that continuation of the Look-out-Circular against the petitioner is unjustified.

20. Accordingly, this writ petition is disposed of with the following directions in view of multiple criminal cases pending against the petitioner:

(i) The learned counsel for the petitioner shall furnish the particulars of present address, contact cell phone number and e-mail I.D. of the petitioner to the State Public Prosecutor before 5-00 p.m. today.

(ii) The State Public Prosecutor shall transmit those particulars of the petitioner to the respondent Nos.5 and 13.

(iii) The respondent Nos.5 and 13 shall ensure to serve the notice under Section 35(3) of BNSS in compliance of the order, dated 07.05.2025 in Criminal Petition No.8550 of 2024 passed by this Court.

(iv) The petitioner shall file an undertaking before the respondent Nos.5 and 13 by way of affidavit within two (02) days from today affirming that the petitioner shall appear before the investigating authority/ authorities as and when required or directed and render full cooperation in any ongoing proceedings and investigations and the petitioner shall provide all material or documents as directed by the investigating agencies which are available within his possession.

(v) On receipt of the undertaking affidavit from the petitioner, the Respondent No.13 i.e., Originator of Look-out-Circular (LOC) is directed to recall the LOC issued against the petitioner forthwith.

(vi) After receipt of communication from the Respondent No.13 to recall the LOC, the Respondent No.3 shall delete the Look-out-Circular issued against the petitioner forthwith.

21. There shall be no order as to costs.
22. Miscellaneous petitions pending, if any, shall stand closed.
23. **Before parting with this order, having considered the social media posts, which are the basis for registration of multiple criminal cases, this Court intends to place the following observations on record:**

(1) Article 19(1)(a) of the Constitution of India guarantees “Freedom of Speech and Expression”. But, it is not an absolute right. This right is subject to certain restrictions against the Rights of others “to live with dignity”. Article 19(2) imposes reasonable restrictions including decency, morality, defamation and incitement to an offence.

(2) In the present case, this Court noticed from the material on record that the accused in 14 cases registered by different police stations ventured to damage the dignity of the Hon’ble Chief Minister, Deputy Chief Minister, Ministers and their family members including women by posting in social media. Such type of un-civilized, un-ethical, barbaric, un-cultural and vulgar behavior and actions should be dealt seriously in accordance with law.

(3) False and abusive content on social media can cause serious harm both to individuals and to society. When such content targets celebrities, political leaders, their families, or ordinary citizens, it can

damage their reputation, invade their privacy, and cause emotional distress. At a personal level, victims may suffer anxiety, fear, and loss of dignity. At a societal level, the spread of misinformation and abusive language weakens public trust, promotes hatred and disrupts social harmony. It can also mislead people and affect fair public opinion. Therefore, such misuse of social media is harmful, irresponsible, and requires strict regulation and accountability.

(4) Nobody has right to damage the dignity and reputation of others.

(5) One can express their opinion or dissent on any issues or policies. But, it should be confined to express his opinion graciously and subject to restrictions under Article 19(2) of the Constitution of India.

(6) The Investigating Agencies should conduct proper and prompt investigations by following due process of law and frame charges against culprits basing on the evidence and produce them before proper Court of Law within time frame provided under procedural laws.

(7) Stringent action should be initiated against such persons, whoever they may be or whatever high they may be and clear message should be sent to all that "Law is above all" and "The Arms of the law are long."

JUSTICE BATTU DEVANAND

Date : 17.04.2026
PGR

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

W.P.No.6748 of 2026

Date: 17.04.2026

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