Chowgule and Company Pvt. Ltd. v. State of Goa

Whether bail applications in a pre-BNSS FIR are governed by Section 438 CrPC or Section 482 BNSS, and whether ad interim bail can be granted.

Date of Order: August 2, 2024
Case Law No: GIB-BHC-2024-25
Source: GST INDIA Biz (www.gstindia.biz)

CASE DESCRIPTION / SUMMARY

Background

The company complained of offences under Sections 409, 420 and 477A read with 120-B IPC, and an FIR was registered on 14.06.2024 by the Economic Offences Cell. The accused applied for anticipatory bail on 19.06.2024 under CrPC and ad interim protection was granted. The BNSS came into force on 01.07.2024. The Court framed three questions: which law governs the investigation, which governs the bail application filed afterwards, and whether ad interim bail can be granted.

Final Verdict

The Court held that **an investigation under an FIR registered before 01.07.2024 continues under the Code of Criminal Procedure, 1973, while a bail application filed after that date must be treated as an application under Section 482 BNSS.** The Court exercising power under Section 482 BNSS has inherent power to grant or refuse ad interim bail pending the main application, on the subjective satisfaction of the Court, case by case.

The bail applications pending before the Sessions Judge were directed to be considered under Section 482 BNSS, and the rule was made absolute in these terms.

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