GAHC010210052026

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/2349/2026

POLAN ALI
S/O KHUSMMUD ALI, R/O 01 NO. SOUTH RANGAPANI, P.O.- BADLA BAZAR, P.S.- RANGAPANI, DISTRICTKAMRUP (R), ASSAM, PIN-781127.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR, ASSAM.

2:THE STATE OF MADHYA PRADESH INVESTIGATING OFFICER
OFFICE OF CYBER CRIME (POLICE STATION CRIME BRANCH)
BHOPAL
MADHYA PRADESH

Advocate for the Petitioner : P ADHIKARI, MS A BEGUM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 12.10.2026

Heard Ms. A. Begum, learned Counsel for the petitioner and Mr. DP Goswami, learned Additional Public Prosecutor for the State.

2. By this application, the petitioner has prayed for limited transit anticipatory

bail enabling him to approach the jurisdictional Court in the State of Madhya Pradesh. The case of the petitioner is that he was served with two notices under Section 35(3) of the BNSS, 2023 issued by the Office of Cyber Crime (Police Station Crime Branch), Bhopal, Madhya Pradesh in connection with the FIR No. 157/2023 registered under Sections 419 as well as 420 of the IPC.

3. The learned Counsel for the petitioner submits that the first notice was received by the petitioner prior to one month of filing of the present application and after about one week, the petitioner received the second notice which according to the petitioner is not dated. However, the petitioner submits that he could not appear on the dates mentioned in the said notices but he is ready and willing to comply with the notice and appear before the Investigating Officer and will cooperate with the investigation. The learned Counsel for the petitioner has also relied on a judgment of the Supreme Court in ***Priya Indoria Vs. State of Karnataka*** wherein the Apex Court had held that the transit anticipatory bail is intended to prevent arbitrary police action and to protect personal liberty which also enables the applicant to approach the competent Court.

4. On the other hand, Mr. DP Goswami, learned Additional Public Prosecutor for the State on perusal of the Case Diary submits that the petitioner should go and appear before the jurisdictional Court or appear before the Investigating Officer in pursuance to the said notice issued to him under Section 35(3) of the BNSS.

5. It is further seen that the petitioner has a permanent residence in Assam and it is a settled position of law that the residents of the accused person as well as his work and profession as to where he has needs to be seen. It is also stated by this Apex Court that the reason has to be given as to why he applies for transit Anticipatory Bail from a Court which does not have the jurisdiction to

try the case.

6. Looking into the facts and circumstances of the case, this Court therefore allows the petitioner to be enlarged on transit Anticipatory Bail for a period of 20 days within which the petitioner is directed to appear before the police personnel of Cyber Crime (Police Station Crime Branch), Bhopal, Madhya Pradesh. Thereafter, the petitioner is directed to file appropriate application before the concerned jurisdictional Court. Till then, the petitioner may not be arrested by the Police personnel.

7. The petitioner is directed to be released on transit anticipatory bail on execution of personal bond of Rs. 20,000/- with one surety of the like amount to the satisfaction of the arresting authority

8. Petition is disposed of.

JUDGE

Comparing Assistant