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2026:GAU-AS:15452

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

Case No. : AB/2560/2026

INZAMUL HAQUE SAIKIA
SON OF SAKANDER ALI SAIKIA, RESIDENT OF VILLAGE DAMPUR, BLOCK P S HAJO, DISTRICT KAMRUP, ASSAM 781102, H NO 02 SARUDAMPUR, KAMRUP, ASSAM 781102

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. T SOM, MS. A MAHANTA,MR. U HAZARIKA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 13-10-2026

Heard Ms. T. Som, learned Counsel appearing for the accused applicant and Ms. A. Begum, learned Additional Public Prosecutor for the State.

2. This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for transit anticipatory bail in favour of the accused

applicant in connection with E-FIR No. 0426/2026, dated 14.07.2026, registered under Sections 318(4)/319/340 of the Bharatiya Nyaya Sanhita, 2023, at Police Station Cyber, South-East District, Delhi, to enable him to approach the Court of competent jurisdiction for appropriate relief.

3. It is the case of the accused applicant that the accused applicant received a notice dated 11.08.2026 under Section 35(3) of the BNSS, issued by the District Cyber Police Station, Badarpur, South-East District, New Delhi, directing him to appear before the Investigating Officer on 07.09.2026 at 11:00 AM in connection with the investigation of the aforesaid case. The notice further states that failure to comply with its terms may render him liable for arrest under Section 35(6) of the BNSS.

4. Ms. Som, learned counsel appearing for the accused applicant, submits that the accused applicant is a permanent resident of Assam and had no prior knowledge of the registration of the aforesaid FIR or the allegations made therein. It is further submitted that the bank account of the accused applicant was allegedly used by one of his friends, namely, *Nashiruddin Shah*, without his knowledge and consent and that the accused applicant came to know of the alleged misuse of his bank account only during the last week of September, 2026. The learned counsel for the accused applicant submits that the accused applicant has no conscious involvement in the alleged offence and is willing to disclose all facts within his knowledge, including the identity and particulars of the aforesaid person and the circumstances in which his bank account came to be used. It is further submitted that the accused applicant has not been supplied with a copy of the FIR and has also been unable to obtain the same through the publicly accessible online FIR facility.

5. The learned counsel for the accused applicant submits that, as the case has been registered in Delhi and the accused applicant is a resident of Assam, he apprehends arrest if he travels to Delhi to appear before the Investigating Officer without appropriate protection. It is submitted that the accused applicant has no intention of evading the investigation and is ready and willing to cooperate with the Investigating Officer and approach the Court of competent jurisdiction at Delhi for appropriate relief. Accordingly, the learned Counsel has prayed for transit anticipatory bail for a limited period to enable the accused applicant to approach the competent Court.

6. In support of her submission, Ms. Som, learned counsel has referred to the decision of the Hon'ble Supreme Court in the case of *Priya Indoria vs. State of Karnataka and Others*, reported in *(2024) 4 SCC 749*, wherein the Hon'ble Supreme Court laid down the principles governing the grant of transit anticipatory bail.

7. On the other hand, Ms. A. Begum, learned Additional Public Prosecutor for the State, fairly submits that transit bail may be granted for a limited period, having regard to the facts and circumstances of the case.

8. The relevant principles laid down in *Priya Indoria* (supra), particularly paragraphs 93 and 94, are extracted hereinbelow:

> *"93.1. Prior to passing an order of limited anticipatory bail, the investigating officer and public prosecutor who are seized of the FIR shall be issued notice on the first date of the hearing, though the Court in an appropriate case would have the discretion to grant interim anticipatory bail.*
>
> *93.2. The order of grant of limited anticipatory bail must record reasons as to why the applicant apprehends an inter-state arrest and the impact of such grant of limited anticipatory bail or interim protection, as the case may*

be, on the status of the investigation.

93.3 The jurisdiction in which the cognizance of the offence has been taken does not exclude the said offence from the scope of anticipatory bail by way of a State Amendment to Section 438 of CrPC.

93.4 The applicant for anticipatory bail must satisfy the Court regarding his inability to seek anticipatory bail from the Court which has the territorial jurisdiction to take cognizance of the offence. The grounds raised by the applicant may be -

a) a reasonable and immediate threat to life, personal liberty and bodily harm in the jurisdiction where the FIR is registered;

b). the apprehension of violation of right to liberty or impediments owing to arbitrariness;

c. the medical status/ disability of the person seeking extra-territorial limited anticipatory bail.

94. It would be impossible to fully account for all exigent circumstances in which an order of extra territorial anticipatory bail may be imminently essential to safeguard the fundamental rights of the applicant. We reiterate that such power to grant extra- territorial anticipatory bail should be exercised in exceptional and compelling circumstances only which means where, denying transit anticipatory bail or interim protection to enable the applicant to make an application under Section 438 of CrPC before a Court of competent jurisdiction would cause irremediable and irreversible prejudice to the applicant. The Court, while considering such an application for extra- territorial anticipatory bail, in case it deems fit may grant interim protection instead for a fixed period and direct the applicant to make an application before a Court of competent jurisdiction."

9. On perusal of the notice dated 11.08.2026 issued to the accused applicant by the Investigating Officer of the Cyber Police Station, Badarpur, South-East District, Delhi, it is seen that the accused applicant was directed to appear

before the Investigating Officer on 07.09.2026 at 11:00 AM. The notice further states that failure to comply with its terms may render the accused applicant liable for arrest under Section 35(6) of the BNSS.

10. In view of the aforesaid, it is seen that there is a serious apprehension of arrest of the accused applicant in the event he appears before the concerned I.O. as he has already defaulted in appearing before the concerned I.O. i.e. 07.09.2026.

11. This Court has also considered the fact that the notice was issued by the I.O. of the Cyber Police Station, Badarpur, South-East District, Delhi and that the accused applicant would have to travel to Delhi to appear before the Investigating Officer. Since the instant application is only for facilitating the accused applicant to approach the Court of competent jurisdiction, this Court is of the considered opinion that issuance of notice to the I.O. of the Cyber Police Station, Badarpur, South-East District, Delhi would consume further time, causing delay in the matter. Hence, issuance of notice to the said I.O. is dispensed with. This Court finds the present case to be a fit case to exercise its discretion to grant interim protection for a fixed period and to direct the accused applicant to approach the Court of competent jurisdiction, as denial of such protection may cause irremediable and irreversible prejudice to the accused applicant.

12. Accordingly, it is directed that in the event of the arrest of the accused applicant within 21 days (three weeks) from today in connection with the aforesaid case, he shall be released on transit bail on executing of personal bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount to the satisfaction of the arresting authority subject to the condition that the accused applicant shall appear before the I.O. of the case within 21

(twenty one) days i.e., 3 (three) weeks from today.

13. This Court makes it clear that the present interim protection in the form of transit bail has been granted to the accused applicant only in order to enable the accused applicant to approach the Court of competent jurisdiction for anticipatory bail on merits.

14. Anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant