GAHC010241482026

2026:GAU-AS:15965

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

Case No. : AB/2771/2026

MAHIBUL ISLAM AND ANR
SON OF LATE JAHANUDDIN, RESIDENT OF VILLAGE KAKRIPARA PART-II, POLICE STATION MANKACHAR, DISTRICT SOUTH SALMARA-MANKACHAR, ASSAM.

2: NUR BOKTA ZAMAN
SON OF SURUJ ZAMAN
RESIDENT OF VILLAGE KAKRIPARA PART-I
POLICE STATION MANKACHAR
DISTRICT SOUTH SALMARAMANKACHAR
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR

2:THE STATE OF RAJASTHAN
REPRESENTED BY THE PUBLIC PROSECUTOR/STANDING COUNSEL
TO BE SERVED IN ACCORDANCE WITH THE APPLICABLE RULES

Advocate for the Petitioner : K U AHMED, MD M HOQUE

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

02.11.2026

Heard Mr. K.U. Ahmed, learned counsel for the applicants and Mr. R.J.

Borua, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 482 of the BNSS, read with Article 226 of the Constitution of India, is preferred by the applicants, namely, Mahibul Islam and Nur Bokta Zaman, who have been apprehending arrest in connection with Jyoti Nagar Police Station, Jaipur, South Rajasthan, Case No. 232/2026, under Sections 318(4)/319(2) of the BNS, read with Section 66(D) of the IT Act, for granting transit pre-arrest bail.

3. Mr. Ahmed, learned counsel for the applicants, submits that the applicants had received one Notice from Jyoti Nagar Police Station, Jaipur, South Rajasthan, in connection with Case No. 232/2026, registered under Sections 318(4)/319(2) of the BNS, read with Section 66(D) of the IT Act, to appear before it on 15.10.2026, at 10:00 am. But, due to some inconvenience, the applicants could not appear before the concerned police station and also could not apply for regular anticipatory bail before the competent jurisdictional court.

3.1. Mr. Ahmed further submits that the applicants are ready to appear before the concerned police station and also ready to apply for regular anticipatory bail before the competent jurisdictional court and as such, they may be granted the interim transit pre-arrest bail so as to enable them to appear before the concerned police station and also to apply for regular anticipatory bail before the competent jurisdictional court.

4. Per-contra, Mr. Borua, learned Additional Public Prosecutor for the State, submits that for a limited period the applicants may be granted the privilege of transit pre-arrest bail so as to enable them to appear before the concerned police station and to apply for regular anticipatory bail, before the competent jurisdictional court.

5. Having heard the submissions of learned counsel for both the parties, this Court has carefully gone through the petition as well as the documents placed on record and also perused the notices, dated 07.10.2026.

6. It appears that the notices, dated 07.10.2026, were issued to the applicants, under sub-Section (1) of Section 35(3)/35(6) of the BNSS, in connection with Jyoti Nagar Police Station, Jaipur, South Rajasthan, Case No. 232/2026, under Sections 318(4)/319(2) of the BNS and read with Section 66(D) of the IT Act.

6.1. Further, it appears that the punishment prescribed for the aforementioned offences are seven years and below.

7. Thus, having considered the submissions of learned counsel for both the parties and also considering the nature and gravity of the offences, and also taking note of the decision of Hon'ble Supreme Court, in the case of **Priya Indoria vs. State of Karnataka and Others etc.**, reported in **(2024) 4 SCC 749**, especially paragraph No. 102 of the said decision, this Court is inclined to allow this application.

8. The applicants are directed to approach the court of competent jurisdiction within 16.11.2026, for regular anticipatory bail.

9. It is further provided that in the event of arrest of the applicants, in the case aforesaid they shall be released on interim transit pre-arrest bail, on their executing a bond of Rs. 25,000/- each, with one surety of like amount to the satisfaction of the arresting authority.

10. The above privilege is, however, subject to the following three conditions:-

(i) The applicants shall approach the court of competent jurisdiction on

or before 16.11.2026, for regular anticipatory bail.

(ii) The applicants shall not make any inducement, threat or promise to any person, directly or indirectly, acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

11. In terms of above, this anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant