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

Case No. : AB/2878/2026

MAHIDUL ISLAM
S/O ABDUL MAZID, R/O VILL KISMAT KATHMI, PO DEKACHANG, PS BOKO, DIST KAMRUP, ASSAM 781136

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : R AMIN, MR. M HAQUE,S K RAHMATULLAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

12.11.2026

1. Heard Mr. R. Amin, learned counsel appearing for the petitioner. Also heard Mr. K.K. Parasar, learned APP appearing for the State of Assam.

2. By this application the petitioner has prayed for grant of transit anticipatory bail in connection with Misroad Police Station, Bhopal, Madhya Pradesh Case No.

621/2026 registered under Sections 318(4) of the BNS, 2023.

3. The case of the petitioner is that an FIR was lodged before the said Police Station alleging cyber fraud pursuant to which a notice under Section 35(3) of the BNSS, 2023 was issued to the petitioner directing him to appear before the concerned Police Station within a period of seven days.

4. The learned counsel appearing for the petitioner submits that the petitioner received the said notice on 29.10.2026. However, owing to financial constraints at the relevant time, he could not appear before the concerned Police Station within the stipulated period. He therefore submits that the petitioner has filed the present application seeking the grant of transit anticipatory bail.

5. On the other hand Mr. K.K. Parashar, learned APP submits that the petitioner having received the notice on 29.10.2026 ought to have complied with the same and appeared before the concerned Police Station.

6. The Hon'ble Supreme Court in *Priya Indoria vs. State of Karnataka* has held that where an offence is committed in one State, an FIR is registered within the jurisdiction of that State and the accused resides in another State, the accused may approach the High Court of the State where he resides and seek transit anticipatory bail for a limited period.

7. In the present case, it is seen that the petitioner could not appear before the concerned Police Station within the stipulated period owing to financial constraints at the relevant time as stated by him in connection with the notice issued under Section 35(3) of the BNSS, 2023.

8. Accordingly, the petitioner is granted transit anticipatory bail for a period of 15 days from the date of this order with a direction to appear before the

competent Court having jurisdiction within the said period and seek appropriate relief.

9. The petition stands disposed of.

JUDGE

Comparing Assistant