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2026:GAU-AS:17436

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

Case No. : AB/3022/2026

SRI MANISHA SAMAD
DAUGHTER OF INNOCENT SAMAD, RESIDENT OF GANESH BHAWAN, H.NO. 7, BISHNU RABHA NAGAR, NOONMATI, P.O. NOONMATI, P.S. NOONMATI, DISTRICT KAMRUP (M), ASSAM 781020.

VERSUS

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

Advocate for the Petitioner : MRS. B TALUKDAR, S DIHINGIA,MR. P BOIRAGI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 25.11.2026

Heard Mr. P. Boiragi, learned counsel, appearing for the accused-applicant. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, representing the State.

2. This is an application filed under Section 482 of the BNSS, 2023, praying for

transit anticipatory bail in favor of the accused-applicant in connection with FIR No. 15/2026 [dated 26.02.2025], registered at Police Station Cyber Crime, Patiala, Punjab, India, under Sections 318(4), 319(2), and 61(2) of the BNSS, 2023, read with Section 66-D of the IT Act, to enable her to approach the court of competent jurisdiction for appropriate relief.

3. It is the case of the accused-applicant that she received a notice on 17.11.2026, issued by the Office of the Police Station Cyber Crime, Patiala, Punjab, India, which was served upon her by Noonmati Police Station on 17.11.2026.

4. The notice purports to be issued under Section 179 of the BNSS, 2023, upon the accused-applicant, directing her to appear before the SHO, Police Station Cyber Crime, Patiala, Punjab, India, at 11:00 AM on 18.11.2026, at the Police Station Cyber Crime, Patiala, second floor, building of office of Police Station Sadar, Patiala, Punjab. It is also stated in the notice that failure to appear and join investigation will compel the police to take legal action against the accused-applicant.

5. Mr. P. Boiragi, learned counsel appearing for the accused-applicant, submits that the accused-applicant was surprised to receive the notice, as she did not have any prior knowledge regarding registration of any FIR against her. He further stated that the accused-applicant never knowingly or intentionally participated in any cheating, fraudulent, or dishonest conduct by any communication device or computer resource, as alleged. The learned counsel submits that the FIR was lodged on 26.02.2025, but the mobile number which was mentioned in the aforesaid notice was activated only on 30.05.2026. It is also stated that the accused-applicant has an Infinity Family Add-on Zero Plan and all the numbers were activated after lodging the FIR. 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 and cooperate with the investigation

relating to the aforesaid FIR. He submits that since the case has been registered in the State of Punjab and the accused-applicant is a resident of Assam, she apprehends arrest if she travels to Patiala, Punjab, to appear before the officer concerned as mentioned in the notice. He submits 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 competent jurisdiction at Patiala 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. Mr. R.J. Baruah, learned Additional Public Prosecutor, fairly submits that transit bail may be granted for a limited period, having regard to the facts and circumstances of the case.

7. The Hon'ble Supreme Court in the case of **Priya Indoria vs. State of Karnataka and Others**, reported in **(2024) 4 SCC 749**, has laid down the principles governing grant of transit anticipatory bail. Paragraphs 93 and 94, being relevant to the instant case, 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.
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> 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 Cr.P.C.

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 Cr.P.C 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."

8. On perusal of the notice dated 12.11.2026, issued by the SHO, Police Station Cyber Crime, Patiala, Punjab, it is seen that the accused-applicant is required for the investigation relating to FIR No. FIR No. 15/2026 [dated 26.02.2025], and therefore, requested the accused-applicant to appear before him at 11:00 AM on 18.11.2026 at Police Station Cyber Crime, Patiala, Punjab.

9. It is seen that the accused-applicant has received the notice only on 17.11.2026 and therefore, it was not possible for the accused-applicant to appear before the concerned officer on 18.11.2026. It is also seen that failure to appear for the investigation, the accused-applicant may have to face legal action including arrest. Therefore, it is seen that there is reasonable apprehension of arrest of the accused-applicant in the event she appears before the concerned SHO, as she has already defaulted in appearing before the aforesaid officer on 18.11.2026, as directed in the notice for appearance.

10. This Court has considered the fact that the notice has been issued by the SHO, Police Station Cyber Crime, Patiala, Punjab and that the accused-applicant would have to travel to Patiala to appear before the aforesaid SHO. Since the instant application is only for facilitating the accused-applicant to approach the court of competent jurisdiction, this Court is of the view that it is a fit case to exercise this Court's 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.

11. Accordingly, it is directed that in the event of arrest of the accused-applicant within twenty-one (21) days [three weeks] from today in connection with the aforesaid case, she shall be released on transit bail on executing a personal bond of Rs. 20,000/- with two sureties of 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 days, i.e., three weeks from today.

12. 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, if so advised.

13. With the aforesaid direction, the instant anticipatory bail application stands disposed of.

JUDGE

Miriam Degu
(SPA)