

GAHC010065902026



2026:GAU-AS:4694

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

Case No. : AB/687/2026

ABDUL HAKIM SHEIKH @ ABDUL HAKIM
S/O LATE KERAMAT ALI, R/O VILL KALAPAKANI PT II, P.O. PATAMARI,
DISTRICT- DHUBRI, ASSAM, PRESENTLY RESIDING AT VILLAGE- TIAMARI
PART II, P.O. GOURIPUR, DISTRICT DHUBRI, ASSAM, PIN 783331

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R ISLAM, MR G U AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

01.04.2026

Heard Mr. R. Islam, learned counsel for the accused/petitioner and Ms. S.H. Borah, learned Additional Public Prosecutor, Assam for the State.

2. This is a petition under Section 482 of the BNSS, 2023, seeking grant of transit anticipatory bail to the accused/petitioner, namely, Abdul Hakim Sheikh

@ Abdul Hakim, in connection with FIR/Case No. 65/2026 dated 28.02.2026, registered under Sections 318(4) and 319(2) of the BNS, 2023, read with Sections 66(c) and 66(d) of the Information Technology Act, 2000, at Sion Police Station, Mumbai, Maharashtra.

3. The accused/petitioner submits that the Assistant Police Inspector (Cyber Cell), Sion Police Station, Mumbai, Maharashtra has registered a case vide FIR/Case No. 65/2026, Date- 28/02/2026, u/s 318(4), 319(2) of BNS, 2023, r/w 66 (c), 66 (d) of IT Act, 2000 and started the investigation of the said case. The Assistant Police Inspector (Cyber Cell) Sion Police Station, Mumbai, Maharashtra issued a notice vide No. O.W. No. 66/Sr. PI/2026, dated 20.03.2026 under Section 35(3) of the BNSS, 2023 to the accused/petitioner directing to appear before the Investigating Officer at Sion Police Station, Mumbai, Maharashtra in connection with the investigation of the above noted case within the 10 (ten) days from the date of receipt of the notice dated 20.03.2026. The Police Personnel of Sion Police Station, Mumbai, Maharashtra visited the resident of the accused/petitioner on 20.03.2026 and delivered the said notice dated 20.03.2026 to the wife of the accused/petitioner.

4. The accused/petitioner submits that one Ahad Ali Sheikh, R/o- Village Patamari Pt.-II, P.S.-Gauripur, in the District of Dhubri has been running a wholesale fish business with the partnership of one Zahidul Alom, son of Nazibur Rahman, R/o- village-Jaleswar Bill, in the District of Goalpara, Assam. The said Ahad Ali Sheikh purchases the fish from the owner of Balaji Multipurpose Fish Cold Storage, Falakata, West Bengal. The said Zahidul Alom normally makes payment of purchased fish to the SBI Bank Account of said Balaji Multipurpose fish cold storage on the strength of partnership business. The accused/petitioner is a daily wages worker of said Zahidul Alom. Sometime, said

Zahidul Alom sends the copies of the receipts of payment of fish to the phone of the accused/petitioner through WhatsApp to collect the money from the said Ahad Ali Sheikh. The accused/petitioner has collected some information from reliable sources that the Bank Account of the said Balaji Multipurpose fish cold storage has been frozen by the concerned authority due to suspicious activities and the said Ahad Ali Sheikh and Zahidul Alom are the suspected Accused of the aforesaid case.

5. In the case of **Priya Indoria Vs. State of Karnataka and Others** reported in **(2024) 4 SCC 749**, the Hon'ble Supreme Court has laid down the conditions for grant of transit bail, which is extracted herein below:-

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.

6. Looking at the contents of the Notice dated 20.03.2026 as reflected in the instant application, it cannot be said that the petitioner cannot have a reasonable apprehension of arrest, upon his arrival in Mumbai or even earlier and therefore, there is a reasonable and Immediate threat to his personal liberty in the jurisdiction where the FIR was registered.

7. Notice to the I/O and the Public Prosecutor, who are seized of the FIR, can be dispensed with as in the opinion of this Court, resorting to the same at this stage is likely to cause further delay in the investigation, as the said officials are in distant Mumbai. Therefore, I find the present case to be an appropriate one to exercise the discretion to grant interim protection for a fixed period and to direct the petitioner to make an application before the Court of competent jurisdiction, as otherwise, there is a scope for causing irremediable and

Irreversible prejudice to the applicant.

8. Accordingly, it is directed that in the event of the arrest of the petitioner within 30 days from today In connection with the aforesaid case, he shall be released on transit bail on executing of personal bond of Rs.50,000/- with two sureties of the like amount to the satisfaction of the arresting authority.

9. It is made clear that the present interim protection in the form of transit bail has been granted to the petitioner only in order to enable him to approach the Court of competent jurisdiction for anticipatory bail on merits.

10. Anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant