GAHC010228792026

2026:GAU-AS:15728

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

Case No. : AB/2628/2026

MITHUN SORONGPONG
S/O GOBINDA SORONGPONG SHIBRAIPUR, PERMANENT R/O LANGTING BAZAR, LANGTING HAFLONG, DIMA HASAO DISTRICT, ASSAM, PIN 788832, PRESENT ADDRESS NAYARPUR, GANESHGURI, H NO 41, PS DISPUR, GHY 781005

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:K SURESHA
POLICE INSPECTOR
CYBER CRIME POLICE STATION
WHITEFIELD DIVISION
BENGALURU 56004

Advocate for the Petitioner : MR D MEDHI, S YESMIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 14-10-2026

Heard Mr. D. Medhi, learned counsel for the applicant and Mr. P. Borthakur, learned Additional Public Prosecutor for the State, respondent.

2. Apprehending arrest in connection with **Whitefield Cyber Crime PS/CR Case No. 171/2026**, under Sections 318(4)/319(2) of the BNS, read with Section 66(D) of the IT Act, this application under Section 482 of the BNSS, is preferred by applicant, namely, **Mithun Sorongpong**, for grant of pre-arrest bail.

3. Mr. Medhi, learned counsel for the applicant submits that the applicant hails from Dima Hasao District and he used to resides at Guwahati and while he visited his native place at Dima Hasao, he had received one notice, dated 27.04.2026, under Section 35(3) of the BNSS, in connection with Whitefield Cyber Crime PS/CR Case No. 171/2026, registered under Sections 318(4)/319(2) of the BNS and Section 66(D) of the IT Act, asking him to appear before the IO of the said case within seven days from the date of receipt of the notice and to cooperate with the investigating agency.

3.1. Mr. Medhi further submits that the applicant could not appear before the IO and also could not apply for regular anticipatory bail application before the court of competent jurisdiction, as he got the information about the notice lately.

3.2. Mr. Medhi also submits that the applicant had received another notice in connection with Tamil Nadu Namakkal District Cyber Crime PS Case No. 06/2026, registered under Section 318(4) of the BNS and 66(D) of the IT Act, wherein this Court, considering 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 aforementioned decision, was pleased to extend the privilege of transit pre-arrest bail to him, so as to enable him to apply for regular anticipatory bail

application before the court of competent jurisdiction. As such, Mr. Medhi has contended to grant similar relief to him in the present case also, so that he can apply for regular pre-arrest bail before the court of competent jurisdiction.

4. Per contra, Mr. Borthakur, learned Additional Public Prosecutor, has opposed this application and submits that the applicant has failed to demonstrate extraordinary circumstances, for which he could not apply for regular anticipatory bail application before the court of competent jurisdiction. Under such circumstances, he has contended to dismiss this application.

5. Having heard the submissions of learned counsel for both the parties, this Court has carefully gone through the application as well as the documents placed on record and also perused the notice dated 27.04.2026.

6. It appears that the notice was issued under Section 35(3) of the BNSS asking the applicant to appear before the IO within seven days from the date of receipt of the same. But, the said period already elapsed.

7. However, the applicant has shown the reason, for which he could not appear before the IO and also could not apply for regular anticipatory bail application before the court of competent jurisdiction.

8. Accordingly, taking note of the submissions of learned counsel for both the parties and also considering the nature and gravity of the offence and the punishment prescribed for the same, this Court is inclined to allow this application.

9. The applicant is directed to appear before the court of competent jurisdiction on or before 02.11.2026 and to file a regular anticipatory bail

application.

10. It is further provided that in the event of arrest of the applicant, he shall be released on transit pre-arrest bail, on his executing a bond of Rs. 25,000/- with one surety of like amount to the satisfaction of the arresting authority.

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

(i) the applicant shall appear before the court of competent jurisdiction on or before 02.11.2026, and

(ii) the applicant 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 him from disclosing such facts to the court or to any police officer.

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

JUDGE

Comparing Assistant