GAHC010233682026

2026:GAU-AS:15721

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

Case No. : AB/2662/2026

KHAIMUL ALI
S/O FAJAL ALI, R/O VILL TENGAGAON, DEKARBORI, PO AMGURI, PS SORBHOG, DIST BARPETA, ASSAM, PIN 781317

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR. S AHMED, T UDDIN,MR M RAHMAN,MR. A S AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 15-10-2026

Heard Mr. S Ahmed, the learned counsel for the petitioner. Also heard Mr. K K Das, the learned Additional Public Prosecutor appearing on behalf of State respondent.

2. This is an application under Section 482 of the Bharatiya Nagarik Suraksha

Sanhita, 2023, praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Sorbhog P.S. Case No. 82/2025 (corresponding to P.R.C. Case No. 117/2026) under Sections 329(4)/76/74/64/62 of BNS, 2023.

3. It is submitted by Mr. Ahmed that earlier one bail application was moved before this Court which was numbered as AB 2248/2025 and wherein the petitioner was granted with some interim protection and in pursuant to the interim protection, the petitioner appeared before the I/O, cooperated in the investigation and his statement is also recorded. Further, during the pendency of the said anticipatory bail application, the Case Diary was not received and therefore the interim protection was extended on several occasions by this Court. However, thereafter the case was charge-sheeted and accordingly a direction was made by this Court to appear before the learned Trial Court below within 15 days from the date of order with an appropriate application for bail. But, as the case is of sessions triable, instead of appearing before the learned Trial/Committal Court, the petitioner appeared before the Sessions Judge with another application for bail which was rejected and directed him to appear before the learned Committal Court, for which the present anticipatory bail was lodged before this Court seeking anticipatory bail.

4. Mr. Das, the learned Additional Public Prosecutor submitted in this regard that the earlier bail application is not in existence at present and as the case has already been charge-sheeted finding prima facie case and the case has to be disposed of only on merit.

5. Considering the submissions made by learned counsels for both sides, I have also perused the case record and it reveals that during the pendency of the earlier anticipatory bail application the case was charge-sheeted and hence

he was directed to appear before the learned Trial Court below within 15 days from the date of order with an appropriate application for bail. However, the petitioner chose a wrong forum and appeared before the learned Sessions Judge, wherein the case was not yet committed by the Trial Court below. Accordingly, the learned Sessions Judge had rightly passed a direction to appear before the learned Committal Court. However, considering the conduct of the accused/petitioner and from the Charge Sheet it also reveals that he cooperated the I/O in the investigation and considering this, he is not even shown as an absconder.

6. In view of above, this Court is of the opinion that some interim protection may further be provided to the present petitioner for 15 days with a further direction to appear before the learned Trial Court with an appropriate application for bail, which may be considered in accordance with law. However, till 15 (fifteen) days from the date of order no coercive action shall be taken against the present petitioner and the NBWA is also stayed, if already issued by the learned Trial Court below.

7. With the above observations and directions, the present anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant