

GAHC010193722023



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

Case No. : I.A.(Crl.)/794/2023

MAHAMMAD ALI
S/O KASER ALI,
R/O KURSHA KATI,
P.S. SAPATGRAM,
DIST. DHUBRI, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
TO BE REP. BY THE PP, ASSAM

2:HAFIJUR RAHMAN
S/O SHABAN ALI AHMED
R/O CHARAVITA
PS. SAPATGRAM
DIST. DHUBRI
ASSA

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

Linked Case : AB/2053/2023

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Advocate for : MR. A AHMED
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

11.09.2023

Heard Mr. A. Ahmed, learned counsel for the applicant. Also heard Mr. B.B. Gogoi, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

By this interlocutory application, the applicant has prayed for modification of the order, dated 02.08.2023, passed in A.B. No.2053/2023 allowing further time for appearance before the learned Court below.

Mr. A. Ahmed, learned counsel for the applicant, submits that inadvertently in the order, dated 02.08.2023, passed in A.B. No.2053/2023, it was observed that in view of the submission of charge-sheet, the bail application stands

dismissed. Mr. Ahmed submits that because of the word 'dismissed' in the aforesaid order the applicant is under apprehension that if he appears before the learned Court below and applies for regular bail, he will be put behind the bar. Therefore, Mr. Ahmed submits that the aforesaid order may be suitably modified and the applicant may be granted some more time to appear before the learned Court below.

I have heard the learned counsel for both sides and considered the grounds cited in the application along with the documents annexed thereto.

Perusal of the order, dated 02.08.2023, shows that although this Court dismissed the petition, on humanitarian ground and in order to facilitate appearance of the petitioner before the learned trial Court, 10 (ten) days' time was granted to him and the previous interim order, dated 27.06.2023 was extended for a period of 10 days w.e.f. 02.08.2023.

The operative portion of the order, dated 02.08.2023, passed in AB No.2053/2023 is extracted hereinbelow-

"Heard Mr. A. Ahmed, learned counsel for the petitioners as well as Mr. D. P. Goswami, learned Addl. P.P., Assam.

It is submitted by Mr. D. P. Goswami, learned Addl. P.P., Assam that chargesheet has been submitted in the case vide C.S. No. 33/2023, dated 31.05.2023 in connection with Sapatgram P.S. Case No. 15/2023.

In view of the above, the anticipatory bail application stands dismissed with a direction to the petitioners to appear before the learned Court below within 10(ten) days and seek regular bail, if so advised. If such bail application is filed, the same shall be disposed off in accordance with law. The interim order, dated 27.06.2023 will continue till the next 10 days from the date of this order or till his appearance before the learned Court below, whichever is earlier.

This disposes off the anticipatory bail application."

This Court finds that since 27.06.2023 the petitioner was on interim pre-arrest bail till expiry of 10(ten) days w.e.f. 02.08.2023 and as such, no further

extension of the interim pre-arrest bail is felt justified.

Accordingly, the interlocutory application stands rejected.

This disposes of the interlocutory application.

JUDGE

Comparing Assistant