

GAHC010227862023



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

**Case No. : AB/3454/2023**

MD AKKEL ALI  
S/O MD. ABDUL RAHIM  
R/O VILL-MOGURMARI, P.O. SATLUNGA, P.S. KAMPUR, DIST. NAGAON,  
ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. P TALUKDAR**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HON'BLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**06.12.2023**

Heard Mr. P. Talukdar, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under Section 438 Cr.P.C. is preferred by the applicant, namely,

Md. Akkel Ali, who has been apprehending arrest in connection with Kachua P.S. Case No.158/2014, under Section 147/148/149/448/120(B)/302/326 IPC read with Section 27 of the Arms Act, for grant of pre-arrest bail.

3. Mr. Talukdar, learned counsel for the applicant submits that after completion of investigation the I.O. has laid charge-sheet against the present applicant showing him as absconder in the charge-sheet. Further, Mr. Talukdar submits that the name of the applicant finds no mention in the FIR and that he will face trial and therefore, Mr. Talukdar contended that this application may be disposed of by directing the applicant to appear before the Court of learned Chief Judicial Magistrate, Nagaon and till then, the privilege of pre-arrest bail may be extended to him.

4. Mr. B. Sarma, learned Additional Public Prosecutor also submits that the case has already been charge-sheeted after completion of investigation and in the said charge-sheet the applicant has been shown as absconder. Mr. Sarma, learned Additional P.P. further submits that at this stage, the scanned copy of the record may be called for to show the complicity of the applicant with the offence alleged.

5. However, considering the facts and circumstances on the record and also considering the submission of learned Advocates of both sides, this Court is inclined to dispose of this anticipatory bail application by directing the applicant to appear before the Court of learned Chief Judicial Magistrate, Nagaon and to apply for regular bail and in the event of filing such an application, the learned Chief Judicial Magistrate, Nagaon will consider the same in accordance with law.

6. Till then, in the event of arrest of the applicant, namely, Md. Akkel Ali, in connection with Kachua P.S. Case No.158/2014, under Section 147/148/149/448/120(B)/302/326 IPC read with Section 27 of the Arms Act, he shall be released on interim pre-arrest bail on furnishing a bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the arresting authority. The above privilege is, however, subject to the following conditions:-

- (i) The applicant shall appear before the Court of learned Chief Judicial Magistrate, Nagaon, on or before 22.12.2023.
  - (ii) The applicant shall not leave the jurisdiction of the learned CJM, Nagaon, without prior permission;
  - (iii) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
7. In terms of above, this anticipatory bail application stands disposed of.

**Sd/- Robin Phukan**  
**JUDGE**

**Comparing Assistant**