GAHC010082962026

2026:GAU-AS:11750

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

Case No. : AB/866/2026

DIPAK KALITA AND ANR
S/O LATE PRABIN CH KALITA, VILL. SANPARA, P.O. JHAROBARI, P.S. PALASHBARI, DIST. KAMRUP, ASSAM, PIN 781122

2: SRI DIGEN KALITA
SON OF LATE BIPON KALITA
VILL- SANPARA
P.O. JHAROBARI
P.S. PALASHBARI
DIST. KAMRUP
ASSAM
PIN-781122

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM.

Advocate for the Petitioner : MR. K N CHOUDHURY, MR. B RAHMAN,N GAUTAM,MS. L WANGSA,MR. T DEURI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : ***18.08.2026***

Heard Mr. K. N. Choudhury, learned Senior Counsel, assisted by Mr. B. Rahman, learned counsel for the accused applicants. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State of Assam.

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 applicants, who are apprehending arrest in connection with a complaint dated 30.03.2026, lodged before the Co-District Commissioner, Palashbari District, and in anticipation of any FIR that may be registered against the accused applicants on the basis of the said complaint dated 30.03.2026.

3. Mr. Choudhury, learned Senior Counsel, submits that after filing of the instant anticipatory bail application, Palashbari P.S. Case No. 171/2026, under Sections 61(2)/318(4)/316(5) of the BNS, 2023, has been registered. Upon such registration, the accused applicants filed an anticipatory bail application, being A.B. No. 1706/2026. He submits that, after consideration of the anticipatory bail application, a Coordinate Bench of this Court, vide order dated 31.07.2026, has granted anticipatory bail to the accused applicants. Therefore, he prays that the instant anticipatory bail application be allowed to be withdrawn.

4. Mr. Baruah, learned Addl. P.P., on the other hand, vehemently opposes the prayer for withdrawal of the instant anticipatory bail application and submits that, while filing A.B. No. 1706/2026, the fact of filing the instant anticipatory bail application had not been disclosed in the aforesaid anticipatory bail application. He submits that, in spite of having knowledge that the police case

had been registered and the Case Diary had been received, the aforesaid facts were not disclosed while A.B. No. 1706/2026 was being considered. The learned Addl. P.P. submits that the accused applicants had obtained pre-arrest bail without due consideration of the Case Diary and, therefore, objects to the prayer for withdrawal of the instant anticipatory bail application.

5. This Court has considered the submissions advanced by the learned counsel appearing for the respective parties. This Court has also seen the video recording of the hearing of A.B. No. 1706/2026, wherein it is seen that the learned Senior Counsel had mentioned about the order dated 30.04.2026, and the same had been submitted before the Court.

6. In view of the aforesaid, this Court is of the considered opinion that, though there was no mention of the pendency of the anticipatory bail application, A.B. No. 866/2026 in A.B. No. 1706/2026, the fact that the instant anticipatory bail application was pending and the order had been passed by a Coordinate Bench of this Court, vide order dated 30.04.2026 had been placed before the Court while arguing A.B. No. 1706/2026 before the Coordinate Bench of this Court. Therefore, this Court does not find any merit in the objection of the learned Addl. Public Prosecutor in the instant case against the withdrawal of the instant anticipatory bail application.

7. Accordingly, the instant anticipatory bail application is dismissed on withdrawal.

JUDGE

Comparing Assistant