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

Case No. : AB/1583/2026

CHIRAJ ALI
SON OF LATE NAZIR ALI VILLAGE- BHOLAGAON POST OFFICE- SIKARHATI POLICE STATION-PALASHBARI DISTRICT -KAMRUP ASSAM PIN-781125

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. K N CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 12.08.2026

Heard Mr. K.N. Choudhury, learned Senior Counsel, assisted by Mr. T. Kashyap, learned counsel appearing for the accused-applicant. Also heard Mr. R.J. Baruah, learned Addl. P.P., representing the State.

2. This is an application filed under Section 482 of BNSS 2023, praying for grant of pre-arrest bail to the accused-applicant in connection with a complaint dated

01.12.2025, lodged before Assistant Registrar of Co-Operative Societies, Guwahati, and in anticipation of any FIR that may be registered against the accused-applicant on the basis of the said complaint dated 01.12.2025.

3. A coordinate bench of this Court, vide order dated 21.07.2026, directed the learned Addl. P.P. to call for a report from the Palashbari Police Station as to whether any case has been registered against the accused-applicant before the said police station or not, and in the interim, till receipt of the Case Diary, the police from Palashbari Police Station is hereby asked not to take any coercive action against the accused-applicant till receipt of the report.

4. Mr. K.N. Choudhury, learned Senior Counsel appearing for the accused-applicant submits that after the registration of Palashbari Police Station Case No. 171/2026, under Sections 61(2)/318(4)/316(5) of the BNSS, the accused-applicant had filed an anticipatory bail application, i.e., AB No. 1707/2026 before this Court. He submits that after hearing the matter and due consideration, a coordinate Bench of this Court, vide order dated 31.07.2026, has granted pre-arrest bail to the accused applicant. In view of the aforesaid order dated 31.07.2026, the learned Senior Counsel submits that he has instructions to withdraw the instant AB application. He submits that while hearing the AB Application No. 1707/2026, the interim order passed in the instant AB application has been mentioned before the Court.

5. Mr. R.J. Baruah, learned Addl. P.P., on the other hand, vehemently opposes the prayer for withdrawal of the instant AB application, submitting that while filing the AB Application No. 1707/2026, the fact of filing of the instant AB application has not been disclosed in the AB application. He submits that in spite of having knowledge that a police case has been registered and without disclosing that the instant AB application is pending before this Court, those material facts were not

disclosed in the AB Application No. 1707/2026 and therefore, obtained the bail without due consideration of the Case Diary. Therefore, he objects to the prayer of the withdrawal of the instant AB application.

6. This Court has considered the submissions made by the learned counsel appearing for the respective parties.

7. This Court has been shown a video recording of the hearing of the AB Application No. 1707/2026, wherein it has been seen that the learned Senior Counsel has mentioned about the order dated 30.04.2026 and the same has been submitted before the Court.

8. In view of the aforesaid, this Court is of the considered opinion that though there was no mention of pendency of the instant AB Application No. 1583/2026 in the AB Application No. 1707/2026, the fact that the instant AB application is pending and an order has been passed by a coordinate Bench on 21.07.2026 has been placed before the Court while arguing the AB Application No. 1707/2026 before a coordinate Bench of this Court. Therefore, this Court doesn't find any merit in objection of the learned Addl. P.P. in the instant case against the prayer for withdrawal of the instant AB application.

9. Accordingly, the instant AB application is dismissed on withdrawal.

JUDGE

Comparing Assistant