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

Case No. : AB/1994/2026

OWAHAB ALI
SON OF LATE ALI BOSCO RESIDENT OF GELLEPARA P.S. SORBHOG
DISTRICT BARPETA ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R ALI, MR. MUSTAFA HUSSAIN

Advocate for the Respondent : PP, ASSAM, MS CHITRALEKHA DAS(INFORMANT),MS. D. DEVI(INFORMANT),MS. P TALUKDAR(INFORMANT),MR. K R PATGIRI(INFORMANT)

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 08.09.2026

1. Heard learned Counsel Mr.R. Ali for the petitioner Owahab Ali who has filed this application under Section 482 of the BNSS, 2023 with prayer for pre-arrest bail apprehending arrest in connection with Sorbhog PS Case No. 54/2026 (GR No.600/2026) under Sections 115(2)/117(2)/118(1)/3(5)/331(2)/351(2)/62/74 BNS, 2023.

2. Learned Addl.Public Prosecutor Mr.P. Borthakur is present for the State respondent No.1 and learned counsel Mr. K.R. Patgiri is present for the informant.

3. The allegation against the petitioner is that he had assaulted Osman Ali and Momi Bora and caused grievous injuries on their person in his attempt to commit murder.

4. Learned Addl.Public Prosecutor and learned counsel appearing for the informant have raised serious objection stating that the petitioner is of aggressive nature. It is also submitted that the petitioner's residence is adjacent to the victim's residence, and the victim is apprehending threats by the petitioner, who may also turn violent. The learned Addl.Public Prosecutor has also raised objection stating that the petitioner has not demonstrated any change of circumstances for a subsequent prayer for anticipatory bail. His earlier prayer was rejected vide order dated 20.07.2026 in connection with AB No.1547 of 2026.

5. I have considered the submissions at the bar with circumspection. I have also scrutinized the case diary. Indeed, there are incriminating material in the case diary against the petitioner. I have considered the submission that the petitioner is willing to abide by any stringent bail conditions, if imposed upon him. It is submitted that the petitioner is willing to co-operate with the remaining part of the investigation. The petitioner is a teacher and he is not a flight risk. It appears that anticipatory bail may be granted to the petitioner although there are incriminating materials against the petitioner subject to certain conditions.

6. Accordingly, the petitioner named above in the event of his arrest shall be enlarged on pre-arrest bail on furnishing bail bond of Rs.50,000/- with a suitable

surety of like amount to the satisfaction of the arresting authority subject to the following conditions:

i) The petitioner shall appear before the I.O. within one week and shall co-operate with the investigation,

ii) The petitioner shall appear before the IO on every fortnight till completion of investigation.

iii) The petitioner shall refrain from such activities of which he is alleged,

iv) The petitioner shall not exercise threats to the victim or any witnesses and

v) The petitioner shall not leave the jurisdiction of the Court without prior permission.

7. On breach of any of the above conditions, pre-arrest bail granted to the petitioner shall stand cancelled.

8. In terms of the above observations, the anticipatory bail application stands disposed of.

9. Send back the Case Diary.

JUDGE

Comparing Assistant