GAHC010181912026

2026:GAU-AS:14850

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

Case No. : AB/2000/2026

SRI ABBAS ALI
SON OF SHRI. ABDUL GAFUR SAIKH, R/O VILL AT ROAD, NEAR MASJID, LOHARPATTY, P.S DIBRUGARH ASSAM. PIN-

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR C GOGOI,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 05.10.2026

Heard Mr. C. Gogoi, learned counsel for the petitioner and also heard Ms. A. Begum the learned APP for the State of Assam.

2. Ms. Begum submits that the charge-sheet in connection with the incident case, i.e., Dibrugarh P.S. Case No. 236 of 2026, has been submitted vide

Charge-Sheet No. 235/2026, dated 29.08.2026 was Further, an order dated 23.09.2026 passed by this Court, whereby a report was called for from the Investigating Officer regarding the reason for arresting the accused person in connection with another case registered at Dibrugarh Police Station, when the petitioner appeared before the Investigating Officer of Dibrugarh P.S. Case No. 236 of 2026 for recording his statement, as directed by this Court.

3. The court had also observed that arrest by the police in such situations should not be made just with a view to defeat the interim relief secured by the petitioner from a court. When the matter is called up today, the learned APP had submitted a report given by the Officer-in-Charge of Dibrugarh Police Station, stating inter alia, that charge-sheet has been submitted in connection with two cases, i.e. the present case, i.e. Dibrugarh PS Case No. 236 of 2026 as well as the Dibrugarh PS Case No. 242 of 2026 and in the instant case, the petitioner was shown as an absconder in the charge-sheet. The Officer-in-Charge of the concerned Police Station thereafter stated that on 05-09-2026, another case was registered on the basis of the FIR lodged by one Rumi Khaklari WSI of Dibrugarh Police Station and during the course of investigation, the complicity of the petitioner was seen along with other two persons. It was also stated that, the petitioner was arrested in connection with the said Dibrugarh P.S. Case No. 301/2026, solely on the basis of the material found against him.

4. It is also stated that the arrest of the petitioner was not made on account of his appearance before the Investigating Officer in connection with the present case for compliance of the condition of the interim bail. It is also reiterated that the arrest of the petitioner was independently done on account of the evidence collected in the other case.

5. Be that as it may, the counsels submits that he be permitted to move the application before the concerned court in connection with the instant case.

6. Prayer is allowed.

7. Further, the interim order dated 26-08-2026 is extended by another 15 days, so as to enable the petitioner to avail remedies in connection with the present case.

8. The AB application is closed.

9. The report submitted by the APP is kept on record.

JUDGE

Comparing Assistant