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

Case No. : Bail Appln./3187/2026

ABDUL KALAM
S/O. LATE MUSOBBIR ALI, RESIDENT OF VILLAGE- KANDIGRAM, BRAHMANSASHAN, P.O.- DASGRAM, P.S.- NILAMBAZAR, DISTRICT- SRIBHUMI, ASSAM, PIN-788722

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM, GUWAHATI-781001

Advocate for the Petitioner : MR. A R TALUKDAR, MR. S DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

07-10-2026

Heard Mr. A.R. Talukbar, learned counsel for the petitioner. Also heard Mr. K. K. Das, learned Additional Public Prosecutor, appearing for the State respondent.

2. This is an application under Section 483 of the BNSS, 2023 for granting regular bail to the accused/petitioner, namely, Abdul Kalam, who was arrested on 23.09.2026 in connection with Sessions Case No. 89/2022.

3. The learned counsel for the petitioner submits that the aforesaid case arose out of Nilambazar P.S. Case No.126 of 2018.

4. The learned counsel for the petitioner has submitted that having received the summons to appear before the Court, the petitioner had appeared on 24.07.2025, when the Presiding Officer was on training.

5. On 19.09.2025, the petitioner could not appear and had taken steps showing reasons for his absence, which were allowed by the learned Trial Court. On 19.01.2026, charges were framed, on which date the petitioner was also present. However, on 23.04.2026, the petitioner could not remain present, and steps showing reasons were inadvertently not filed before the learned Trial Court, which resulted in the learned Trial Court issuing a non-bailable warrant of arrest against the petitioner.

6. On 11.08.2026, the petitioner was again unable to appear. However, appropriate applications showing the reasons for absence had been filed by petition No.569 (3)/9, which was rejected in view of the fact that the non-bailable warrant of arrest issued on the earlier date was still in force.

7. The learned counsel for the petitioner has submitted that the petitioner was

thereafter arrested on the strength of the NBWA on 23.09.2026. He has submitted that the petitioner is eager to participate in the trial proceedings. However, due to his absence on a single date, an NBWA was issued, which has led to his being now confined to custody. He has submitted that the petitioner undertakes to participate in the trial proceedings and, therefore, the petitioner may at this stage be granted the privilege of bail.

8. The learned Addl. P.P., Mr. R R. Kaushik, has submitted that the petitioner had not been arrested even at the time when the charges were framed, and it was due to his absence that the learned Trial Court had to take the extreme step of keeping the petitioner behind bars during the trial period.

Accordingly, he submits that the prayer made by the petitioner does not require any consideration.

9. I have heard the learned counsel for the parties, and I have considered the submissions made. The petitioner has been arrested due to a single date of his absence without steps before the learned trial Court.

10. The records given with the bail petition reveal that the petitioner had been participating either by appearing in person or by moving appropriate applications to him because of absence.

11. In the facts and circumstances and in view of the fact that an assurance has been given that the petitioner would continue to participate on all the

consequential dates in the trial, I believe that the petitioner can be allowed the privilege of bail during the period of trial, provided he continues to appear regularly before the learned trial Court to participate.

12. Accordingly, the petitioner shall be released on bail on furnishing a bond of Rs. 20,000/- with two local sureties of the like amount, subject to the satisfaction of the learned Trial Court.

13. The learned Trial Court shall be at liberty to impose such other conditions as may be necessary to ensure the participation of the petitioner in the trial proceedings. If the absence of the petitioner in the proceedings is viewed to be intentional and voluntary to avoid the trial by the learned Trial Court, the learned Trial Court shall be at liberty to recall the privilege of bail granted to the petitioner.

14. Bail Application stands disposed of.

JUDGE

Comparing Assistant