GAHC010222762026

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

Case No. : AB/2507/2026

MOKADDESH ALI
S/O ABDUL SAMAD, RESIDENT OF BATABARI, P.S. BAGUAN, DISTRICT GOALPARA, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR F HAQUE, MR A ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

Date : 06-10-2026

Heard Mr. F. Haque, learned counsel for the petitioner. Also heard Mr. KK Das, learned Additional Public Prosecutor, appearing for the State respondent.

2. This is an application under Section 482 of the BNSS, 2023 praying for granting pre-arrest bail to the accused person, namely, Mokaddesh Ali**,** in connection with PRC Case No. 590/2026, under Sections 191(3)/126(2)/109/118(2)/3(5) of the BNS, 2023, which is pending before the

learned Chief Judicial Magistrate, Goalpara with the next date fixed on 04.12.2026.

3. The learned counsel for the petitioner has submitted that the petitioner is a named accused in the FIR and has also been named in the charge-sheet as an accused to stand trial. The learned counsel for the petitioner has submitted that, during the investigation process, he was not arrested by the Police at any point of time, and although he has come to know about the next date of listing of the matter before the court of the learned CJM for the committal process to be on 04.12.2026, the petitioner apprehends that he may be taken into custody upon his appearance before the learned Chief Judicial Magistrate, Goalpara, since the allegations are Sessions triable. He accordingly prays that, given the opportunity, the petitioner would appear before the learned Chief Judicial Magistrate, Goalpara and participate in the trial proceedings as and when called for. He prays that the petitioner may be granted the protection to facilitate the trial of the case.

4. Mr. Das, learned Additional Public Prosecutor, has submitted that the allegations are grave and the petitioner, having not participated during the investigation process, has been declared to be an absconder and therefore, the petitioner need not be given the protection of pre-arrest bail.

5. Having regard to the submissions made and also having regard to the fact that the matter is now pending before the learned Chief Judicial Magistrate, Goalpara for further committal to the appropriate Court for trial, I am of the

considered view that the petitioner can be granted protection till 04.12.2026 to facilitate his appearance before the learned Chief Judicial Magistrate, Goalpara.

6. Accordingly, it is provided that, in the event of his arrest on or before 04.12.2026, he shall be released on bail on furnishing a bond of Rs.20,000/- with two sureties of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Goalpara.

7. The anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant