GAHC010229632026

2026:GAU-AS:15645

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

Case No. : AB/2639/2026

SMTI USHA SIOTIA AND 2 ORS.
WIFE OF LATE DINESH SIOTIA RESIDENT OF SRCB ROAD, FANCY BAZAR, GUWAHATI - 781001 DISTRICT - KAMRUP M, ASSAM

2: SMTI NEETA AGARWAL
WIFE OF SRI YOGESH AGARWAL RESIDENT OF HOUSE NO.403
NAMSIM HOUSING COMPLEX
NEAR ICICI ACADEMY
CHRISTIAN BASTI P.O. P.S. DISPUR GUWAHATI -781005 DISTRICT - KAMRUP M ASSAM

3: SRI BHABANI SINGH AGARWAL ALIAS BHAWANI SINGH AGARWAL
SON OF SRI SATYA NARAYAN AGARWAL RESIDENT OF SATI JOYMATI ROAD OPP. MARWARI HOSPITAL
ATHGAON GUWAHATI -781001 DISTRICT - KAMRUP (M) ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY ITS PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. A PAUL,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

Date : 14.10.2026

Heard Mr. A. Paul, learned counsel for the petitioners and Mr. D. P. Goswami, learned Addl. Public Prosecutor.

2. The learned counsel for the petitioners has submitted that the petitioners are standing as accused in PRC Case No. 848/2020 pending in the Court of the learned Judicial Magistrate, First Class, Kamrup (M) at Guwahati, which arose out of Bharalumukh P.S. Case No. 750/2019.

3. The learned counsel for the petitioners has submitted that on a perusal of Charge-sheet No. 3/2020 dated 10.03.2020 and a comparison of the same with the addresses of the petitioners available in their official documents would show that the summons and warrants had been issued to a wrong address and therefore, the petitioners did not know about the pendency of the case. He has submitted that since the Non-Bailable Warrant of Arrest (NBWA) had been issued by the learned Trial Court below, the petitioners apprehended an arrest before they can appear before the learned Trial Court and participate in the trial proceedings.

4. The learned Addl. PP has submitted that the charge sheet reflects that the petitioners were not arrested during the investigation of the case and the petitioners would be at liberty to appear before the learned Trial Court prior to their being apprehended on the basis of the NBWA.

5. I have heard the learned counsels appearing for the parties and also considered the materials available on record.

6. In the given facts and circumstances of the case, I deem it fit to direct the petitioner to appear before the learned Trial Court on or before 06.11.2026 to participate in the trial proceedings.

7. In the event of arrest of the petitioners on or before the next date fixed,

they shall be released on interim-bail on furnishing bonds of **Rs.10,000/-** each with two sureties of the like amount, subject to the satisfaction of the investigating/arresting authority.

8. Till 06.11.2026, the NBWA issued by the learned Trial Court shall remain in abeyance.

9. This anticipatory bail application is accordingly disposed of.

10. In the event of their non-appearance on or before 06.11.2026, the protection granted by this order shall stand rescinded.

JUDGE

Comparing Assistant