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2026:GAU-AS:16830

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

Case No. : AB/2873/2026

KASHEM ALI
S/O ABDUL KADER, R/O 164 SAILABARI PART 1, P.S MERERCHAR, PIN 783384,DIST BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MS. J BARUAH, MS. P RONGPIPI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 16-11-2026

Heard Ms. J. Baruah, learned counsel for the petitioner and Mr. K. K. Das, learned Additional PP for the State.

2. This bail application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is preferred by the applicant, namely, Kashem Ali, who

has been apprehending arrest in connection with Mererchar P.S. Case No.30/2026, under Sections 308(b)/308(7)/318(4)/319(2)/112/ 351(2)/351(3)/61(2)/317(4)/3(5)/3(6)/3(8)/3(9) of BNS, 2023, for grant of the privilege of pre-arrest bail.

3. The allegations in brief in the complaint lodged by the Police Officer of the Police Station is that upon discreet inquiry, it came to be known that a group of persons having no official authority or professional qualification had been found operating in and around the Police Station for the last six months, keeping and exposing members of the public who come to the police station seeking police assistance. It is further alleged that the accused persons acting in concert and pursuant to conspiracy project themselves as advocates, legal practitioners, police authorized persons or intermediaries, giving unauthorized advice and inducing victims to pay money by falsely claiming that criminal cases could be settled, altered, compromised or withdrawn for consideration. It is further alleged that these persons also threatened to lodge false cases against the victims under the POCSO Act, NDPS Act and BNS, forcing parties to enter into settlements and extort money and property from one or both the sides. It is alleged that the accused persons retain and share the proceeds among themselves and thus, they habitually received and deal with stolen property obtained through cheating, extortion, etc.

4. The learned counsel for the petitioner submits that the petitioner is not named in the FIR and not connected with these alleged activities. It is submitted that the petitioner has been alleged to be a person without any stable business but, the fact of the matter is that he is an established businessman having a dairy farm and other connected activities. It is submitted by the

learned counsel that the petitioner is willing to render his cooperation with the investigation.

5. The case diary has been received.

6. The learned Additional PP submits that the statements of several persons have been recorded during the investigation, who have come forward to state about the illegal activities of some persons including the present petitioner being the kind of activities alleged by the informant/police official in the FIR, giving rise to this case.

7. It is submitted by the prosecution that some of these statements reveal the projection by the named persons including the present petitioner about settling matter in the police station and the witnesses have also stated about transactions in this regard of amounts over Rs. 1 lakh. The statements have been flagged in the case diary and placed before this Court.

8. I have gone through these statements which mentions the present petitioner by name and lends support to the allegations in the FIR, even though he was originally not named in the FIR.

9. In the given facts and circumstances, when the investigation is going on by way of cracking down these kind of activities, allegedly taking place in the vicinity of the police station, granting of pre arrest bail to the petitioner might put some undue restrictions in the investigation.

10. In such view of the matter, the prayer for pre arrest bail stands rejected at this stage.

11. Return back the case diary.

12. The anticipatory bail application stands dismissed.

JUDGE

Comparing Assistant