

GAHC010008122023



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

**Case No. : AB/163/2023**

JOHOR ALI SHEIKH  
S/O LATE ABDUL HUSSAIN,  
VILL.- BATABARI,  
P.O. AND P.S.- BIJNI,  
DIST.- CHIRANG, BTR, ASSAM, PIN- 783390.

VERSUS

THE STATE OF ASSAM  
REP. BY THE P.P., ASSAM.

**Advocate for the Petitioner** : MR. M U MAHMUD  
**Advocate for the Respondent** : PP, ASSAM

**BEFORE**  
**HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**28.02.2023**

Heard Mr. S. Islam, learned counsel for the petitioner and Mr. K.K. Parashar, learned Additional Public Prosecutor for the respondent State of Assam.

2. By this application under Section 438, Code of Criminal Procedure, 1973 [CrPC], the petitioner viz. Johor Ali Sheikh has approached this Court seeking the benefit of pre-arrest bail, apprehending his arrest, in connection with Bijni Police Station Case no. 200/2022, registered

under Section 376, Indian Penal Code [IPC] for the second occasion after rejection of his earlier bail application, A.B. no. 3700/2022 by an order dated 03.01.2023.

3. Mr. Parashar, learned Additional Public Prosecutor has, on instruction, submitted that after completion of the investigation in connection with Bijni Police Station Case no. 200/2022, the Investigating Officer [I.O.] of the case has already submitted a charge sheet under Section 173[2], CrPC vide Charge Sheet no. 18/2023 dated 24.02.2023.

4. In view of submission of the charge sheet in the case, Mr. Islam, learned counsel for the petitioner has submitted that the petitioner will approach the learned jurisdictional trial court seeking regular bail.

5. In view of the above submission of Mr. Islam, this application stands closed, granting liberty to the petitioner to approach the learned jurisdictional trial court.

6. It is expected that in the event the petitioner approaches the jurisdictional trial court by filing any application seeking regular bail, the jurisdictional trial court will consider such application on its own merits and in accordance with law.

**JUDGE**

**Comparing Assistant**