

GAHC010202062025



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

Case No. : AB/2201/2025

NASER ALI
S/O ANSER ALI
R/O VILL- PANDITORPAM
P.O. HAJO
P.S. HAJO
DIST. KAMRUP, ASSAM
PIN-781102

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR A A DEWAN, MR A MALEK, MR H A RASHID
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

09.09.2025

1. Heard Mr. A. A. Dewan, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor.
2. This petition under Section 482 BNSS is filed by the petitioner, namely, **Naser Ali**, stated to be aged 19 years apprehending arrest in

connection with **Hajo P.S. Case No. 123/2025 (corresponding to GR No. 164/25)** registered u/s **140(3)/118(2)/3(5) of BNS, 2023.**

3. The petitioner herein is stated to be the father of the accused Zahinur Ali, who in turn is stated to be a CICL and seeking anticipatory bail under the Juvenile Justice Act, 2015.

4. The case arose out of an ejahar dated 23.03.2025 in which four accused persons were named therein with the CICL named as accused No.1. The primary allegation is that the CICL eloped with the granddaughter of the informant in collusion with the accused Nos. 2, 3 and 4 as stated in the later part of the FIR.

5. Learned counsel for the petitioner submits that the other three accused persons have also preferred anticipatory bail and the matter is fixed on 17.09.2025 after they were granted interim protection. Learned counsel has drawn my attention to transfer certificate with regard to the accused stated to be a CICL indicating his date of birth as 01.01.2008.

6. Learned Additional Public Prosecutor submits that as per the list of documents indicated in Section 94 of the JJ Act, 2015 transfer certificate would not be come within its ambit.

7. It may also be noted herein that in the case of *Kara Taling vs State of Arunachal Pradesh reported in 2022 (3) GLT 828*, this Court had held that CICL cannot be arrested in a conventional sense; therefore, anticipatory bail would not lie. However, upon a co-ordinate Bench inclined in taking a different view; the matter was referred to a Division Bench and the Division bench of this Court in the case of *Dasarath Ray vs State of Assam reported in 2024(4) GLT 744* interpreting the expression

'apprehension' in a wider manner, held that the benefit of anticipatory bail would be applicable for CICAL and/or their guardian with regard to any apprehension of the Juvenile. Therefore, the issue of maintainability of the anticipatory bail with regard to CICAL is now settled, in favour of such maintainability.

8. Call for the case diary along with the post-mortem report.

9. However, in the **interim**, in the event of apprehension of the CICAL in connection with this case, he shall be allowed to go on a personal bond of **Rs. 20,000/-** of his guardian (father- petitioner) to the satisfaction of the arresting authority and subject to the conditions that the guardian of the CICAL shall ensure that CICAL co-operates with the process of law.

10. List the matter 19.09.2025 along with AB 1080/2025.

JUDGE

Comparing Assistant