GAHC010117372026

2026:GAU-AS:9634

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

Case No. : Bail Appln./1612/2026

SRI GAUTAM SHARMA ALIAS RAJU SHARMA
S/O LATE MAHABIR PRASAD SHARMA ALIAS HARILAL SHARMA
RESIDENT OF S.R.C.B. PATH
P.S. PANBAZAR
DISTRICT KAMRUP (METRO)
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. S R GOGOI
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 15-07-2026

Heard Mr. S. R. Gogoi learned counsel for the accused applicant and Mr. K. K. Parasar, learned Additional Public Prosecutor for the State.

2. This an application under Section 483 of the BNSS, 2023 praying for grant

of bail to the accused applicant, who was arrested on 05.06.2026, in connection with Bharalumukh P.S. Case No. 68/2026 under Sections 296/132/109/121(2)/3(5) of the BNS, 2023.

3. The gist of the facts leading to the filing of the instant bail application is that, on 05.06.2026, the informant, namely, *SI Abul Kashim*, lodged an FIR before the Officer-in-Charge of the Bharalumukh Police Station alleging, *inter alia*, that on 04.05.2026, as per Bharalumukh P.S. GDE No. 30, the informant along with the ERSS-23 staff, was performing night patrolling duty within the jurisdiction of Bharalumukh Police Station; that during the course of such duty, the informant received information from a member of the general public that some persons were creating public nuisance at Kumar Bhaskar Varma Setu; that thereafter, the informant, along with the staff, rushed to the aforesaid place and found three persons along with a white-coloured Baleno car; that the said three persons abused the police personnel using slang language and assaulted one police personnel, namely, *LNK/ 775 Akbar Ali*, who sustained grievous injury to his finger; that the accused persons also tore his uniform; that thereafter, the informant, along with the staff, apprehended them and brought them to the police station.

4. On receipt of the FIR, the police registered Bharalumukh P.S. Case No. 68/2026 under the aforementioned sections.

5. Mr. Gogoi, learned counsel for the accused applicant, submits that although some scuffle had taken place at Kumar Bhaskar Varma Setu, there was no assault on any police personnel as alleged in the FIR. He further submits that the accused applicant has already spent 41 days behind bars and therefore, his further custodial detention may not be necessary at this stage. Accordingly, he

prays that the accused applicant be released on bail.

6. Mr. Parasar, learned Additional Public Prosecutor, submits that there are sufficient incriminating materials against the accused applicant indicating his involvement in the assault on the police personnel while they were on duty. He, therefore, submits that the accused applicant may not be granted bail at this stage.

7. The Case Diary in the instant case has already been received and I have carefully perused the same.

8. After considering the entire facts and circumstances of the case, this Court is of the considered opinion that, since the accused applicant has already spent more than 40 days behind the bars, he should be released on bail.

9. Accordingly, it is directed that the accused applicant shall be released on bail forthwith upon furnishing a bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with one surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, Assam, subject to the following conditions:

i. that the accused applicant shall cooperate with the investigation and make himself available before the investigating authority as and when required;

ii. that the accused applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Authority against the accused

applicant;

iii. that the accused applicant shall not try hamper or tamper with the investigation in any manner whatsoever.

10. In view of the aforesaid directions, the instant bail application is, accordingly, disposed of as allowed.

JUDGE

Comparing Assistant