GAHC010152792026

2026:GAU-AS:10816

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

Case No. : Bail Appln./2078/2026

DEBAKANTA NATH
S/O LATE PIT RAM NATH, R/O VILL HATISUNG, PS JAJORI, DIST NAGAON, TEMPORARY ADDRESS, R/O BYELANE 2, KOOCHPARA, PS SATGAON, DIST KAMRUP (M)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR MINTU SAIKIA, MS R DUTTA,MS. B DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 05.08.2026

Heard Mr. M. Saikia, learned counsel appearing for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor.

This is an application filed under Section 483 of the BNSS, 2023, praying for grant of regular bail to the accused/applicant, **Debakanta Nath**, who was arrested on 19.07.2026 in connection with **Basistha Police**

Station Case No. 274/2026 under **Sections 117(2)/109/3(5) of the BNS Act, 2023**.

The case of the prosecution is that an FIR was lodged by one Bhabesh Kalita on 18.07.2026 alleging, *inter alia*, that the present accused/applicant along with other co-accused person had assaulted him and kept him confined inside the premises of ESIC Hospital at Beltola, and when his brother, namely, Bhaskar Kalita came to rescue him, they had assaulted him also.

Mr. M. Saikia, learned counsel appearing for the accused/applicant, submits that the accused/applicant is being wrongly named in the instant F.I.R. and that he is innocent of the allegations made therein.

On the other hand, Mr. B. Sharma, learned Additional Public Prosecutor, submits that it is evident from the materials available in the case diary that the informant and his brother sustained simply injuries and there are incriminating materials available involving the accused/applicant in the offence.

Having heard the learned counsel appearing for the parties and having perused the case diary, it appears that there are incriminating materials available against the petitioner. It further appears that there is no adverse material as such against the antecedent of the present petitioner. It is also noticed that the co-accused Himangshu Sinha has been enlarged on bail by the co-ordinate bench of this Court by order dated 30.07.2026 in Bail Appln./2072/2026.

It appears that the statements of the witnesses have already been recorded and the investigation appears to have been substantially progressed.

In view of the nature of allegation in the F.I.R, and also in view of

the length of detention, and the punishment prescribed for the same, further custodial detention of the accused/applicant seems to be not warranted, in the interest of investigation.

Accordingly, this court is inclined to allow the petition.

Consequently, the accused/applicant namely, Debakanta Nath, shall be released on bail in connection with the abovementioned case, on furnishing of bail bond of Rs. 25,000/- with one surety of like amount, to the satisfaction of the learned jurisdictional court, subject to the following conditions: -

(i) The accused/applicant shall cooperate with the investigating officer as and when required;

(ii) 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 him from disclosing such facts to the police officer or the Court; and

(iii) The accused/applicant shall refrain from such activities with which he is alleged.

With the aforesaid observation and direction, the bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant