GAHC010174512026

2026:GAU-AS:11829

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

Case No. : Bail Appln./2354/2026

RAJIB MEDAK
SON OF MONUJ MEDAK, RESIDENTS OF VILLAGE BHATI MEDAK GAON, POST OFFICE BILMUKH, POLICE STATION GHILAMORA, DISTRICT LAKHIMPUR, ASSAM, PIN 787053

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE PUBLIC PROSECUTOR ASSAM

Advocate for the Petitioner : ALHAJJ I UDDIN, MRS. ROMA ENGTIPI,MR ROBIUL HOQUE,MRS. R MOMTAZ

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE PRANJAL DAS

O R D E R

19.08.2026

Heard Mr. R. Hoque, learned counsel appearing for the accused petitioner as well as Mr. K. Baishya, learned Addl. P.P., Assam appearing for the State respondent.

2. This petition under Section 483 of the BNSS, 2023 has been filed by the accused-petitioner, namely, **Rajib Medak**, praying for regular bail in connection with Special (WH) Case No.02/2025 (arising out of Ghilamora P.S. case No. 33/2025) pending before Special Judge, Lakhimpur, registered under Sections 351(3)/296 BNS, 2023, read with Section 9 (ii) of the Assam Witch Hunting (Prohibition, Prevention and Protection) Act, 2015. The present petitioner is stated to be in custody since 07.07.2025.

3. Taking the Court to the relevant annexed documents, the learned counsel submits that on an earlier occasion, the present petitioner, namely, **Rajib Medak** had preferred an anticipatory bail application before this Court seeking pre-arrest bail, which was registered as AB 2505/2025. However, referring to Section 30 Assam Witch Hunting (Prohibition, Prevention and Protection) Act, 2015, the petition was dismissed as non-maintainable.

4. It is further submitted that subsequently four other co-accused preferred a writ petition being WP(C) 1418 of 2026 seeking relief in the nature of relief in the nature of protection from arrest in view of the

earlier dismissal of anticipatory bail, on the ground of non-maintainability. The said writ petition was disposed of vide order dated 08.04.2026 and after referring to the decision of *Hema Mishra versus State of Uttar Pradesh, (2014) 4 SCC 453*, a coordinate Bench was pleased to direct that they would appear before the learned trial Court and upon such appearance, they shall be allowed to go on bail.

5. It is submitted that accordingly the four accused persons are already on bail. It is also submitted that the case is at the stage of appearance and the aforementioned co-accused are already on bail.

6. Mr. K. Baishya, the learned Addl. P.P., while submitting that the alleged offences are serious, does not dispute about the co-accused being granted bail and the case being at the stage of appearance, poised for commencement of trial.

7. In the facts and circumstances, the bail petition is disposed of with the direction that the petitioner, herein, may be allowed to go on bail of **Rs. 50,000/-** with one surety of the like amount to the satisfaction of the learned concerned Court and subject to the condition that:-

(i) He shall be available for trial,

(ii) Shall not hamper or tamper with evidence,

(iii) He shall not cause any harm, harassment or annoyance to the informant/victim or her family members.

(iv) He shall not in any manner commit any offences violative of the Assam Witch Hunting Protection Act.

(v)

8. Accordingly, this bail application stands **allowed** and **disposed** of.

JUDGE

B. Dey

Comparing Assistant