

GAHC010007922026



2026:GAU-AS:2191

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

Case No. : Bail Appln./146/2026

ASRAB ALI ALISA ASRAF ALI AND 2 ORS.
S/O M. JAMAL BADSHA
R/O VILL- HASROWBARI, P.S. KAJALGAON, CHIRANG, DIST.
BONGAIGAON, ASSAM.

2: AZAHAR UDDIN @ AJAHAR UDDIN
S/O MD. JAMAL BADSHA
R/O VILL- HASROWBARI
P.S. KAJALGAON
CHIRANG
DIST. BONGAIGAON
ASSAM.

3: NACHIR UDDIN @ NASIR ALI
S/OLT. ALI AKBAR
R/O VILL- BORPATHAR P.S. AND DIST. BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. A AHMED, U U KHAN, MR. M A CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA**

ORDER

Date : 16-02-2026

Heard Mr. A. Ahmed, the learned counsel appearing for the accused applicants. Also heard Mr. R.J. Baruah, the learned Addl. P.P., Assam appearing for the State respondent.

2. This is an application filed under Section 483 of the BNSS, 2023, praying for grant of bail to the accused, namely 1) Asrab Ali @ Asraf Ali 2) Azahar Uddin @Ajahar Uddin and 3) Nachir Uddin @ Nasir Ali in connection with Abhayapuri P.S. Case No.265/2025 registered under Sections 331(4)/305(a) and added Section 310(2) of the BNS, 2023.

3. One Sri Ajay Shankar Das had lodged an FIR on 29.11.2025, alleging that on the night of 26.11.2025, when he went to sleep, some miscreants entered his house by breaking the backside door of his house; that after spraying some liquid material on their face when the informant and his family members became unconscious, they broke his almirah and stolen gold ornaments amounting to Rs.24,000/-.

4. On receipt of the FIR, Abhayapuri P.S. Case No.265/2025 was registered. On investigation, the police arrested the accused applicants along with some other people and since then for last 76 days the accused applicants are in judicial custody.

5. Mr. A. Ahmed, the learned counsel appearing for the accused applicants submits that the accused applicants have been arrested purely on the basis of suspicion and it is yet to be proved whether the ornaments recovered were

actually the stolen ones or not. He further submits that since the accused applicants have already spent 76 days in custody, their further custodial detention may not be required in the instant case. He submits that two of the co-accused persons who had been arrested in connection with the instant case have already been granted bail by a Coordinate Bench of this Court. Therefore, he submits that at this stage, the accused applicants should also be granted bail.

6. Mr. R.J. Baruah, the learned Addl. P.P., on the other hand, submits that there are incriminating material against the accused applicants in the case diary though the charge-sheet is yet to be filed. He further submits that some of the stolen ornaments are yet to be recovered. Therefore, at this stage, the accused applicants should not be granted bail.

7. This Court has perused the case diary as well as heard the submission made by the counsel appearing for the accused applicants. Taking into account the fact that the accused applicants have already spent 76 days behind the bars and in similar situations, two of the co-accused persons have already been granted bail by a Coordinate Bench of this Court, this Court is of the considered opinion that further custodial detention of the accused applicants in the instant case may not be required.

8. Therefore, it is directed that the accused applicants, named above, shall be released forthwith from jail on furnishing of bail bond of Rs. 50,000/- (Rupees Fifty Thousand only) each with a suitable surety of like nature to the satisfaction of the Court of learned S.D.J.M.(M), North Salmara, subject to the following conditions :-

- i) That the accused applicants shall cooperate with the

Investigating Authority as and when required;

- ii) That the accused applicants shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts before the Investigating Authority; and
- iii) That the accused applicants shall not hamper or tamper with the investigation in any manner.

9. Violation of or breach of any of the aforesaid conditions shall entail cancellation of the bail.

10. In view of the aforesaid directions, this bail application stands disposed of as allowed.

JUDGE

Comparing Assistant