GAHC010129852026

2026:GAU-AS:15225

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

Case No. : AB/1437/2026

SOFIQULE ISLAM
S/O- KISHMAT ALI RESIDENT OF VILLAGE - BONGHUGI, P.O- BONGHUGI, PS- KALGACHIA DIST- BARPETA, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : G UDDIN, MR. I HUSSAIN,MR N JAMAL,MR A K AZAD

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

O R D E R

Date : 09.10.2026.

Heard Mr. A.K. Azad, the learned counsel for the petitioner. Also heard Mr. K.K. Das, the learned Addl. P.P., Assam appearing for the State respondent.

2. This is the second application under Section 482 of BNSS, 2023 praying for grant of pre-arrest bail to the accused/petitioner, namely, Sofiqul Islam who is apprehending arrest in connection with the Kalgachia P.S. Case No.20/2026,

registered under Section 118(2)/3(5) of the BNS, 2023.

3. The case was fixed today for case diary and from the record it is seen that the earlier anticipatory bail for the present accused petitioner was rejected on perusal of the case diary. However, from the record and annexure, it is also seen that the petitioner was earlier granted interim protection and he accordingly cooperated with the investigation of the case and his statement was recorded.

4. It is submitted by Mr. Das, the learned Addl. P.P., Assam that the case has already been charge sheeted vide Charge Sheet No.82/2026, dated 31.08.2026 and the present accused petitioner is not being charge sheeted by the police. However, there is a prayer for further investigation for submitting the supplementary charge sheet.

5. Mr. Azad, the learned counsel for the petitioner however submitted that there was simply a land dispute between the parties, wherein the incident had happened and during that tussle, some persons might have sustained injuries. But there was no pre-meditated mind to cause any injuries to the other side and it is only at the spar of the moment, the incident had happened. However, the petitioner extended his cooperation in the investigation of the case, while he was granted with some interim protections.

6. But it is very surprising that the police did not file any charge sheet against the present accused petitioner in spite of the fact that his earlier bail petition was rejected considering the materials available in the case diary. There may be necessity for further investigation of this case for filing a supplementary charge sheet, wherein the case may be established in other relevant sections

but that cannot be the sole ground for not submitting the charge sheet against the present accused petitioner against whom admittedly some materials were available in the case diary.

7. Considering all these aspects of the case vis-à-vis the cooperation extended by the accused petitioner during the investigation of the case etc., this Court is of the opinion that custodial interrogation of the present accused petitioner, namely, Sofiqul Islam may not be required for the purpose of investigation of this case.

8. Accordingly, it is provided that in the event of arrest of the accused/petitioner, namely, Sofiqul Islam in connection with the Kalgachia P.S. Case No.20/2026, he shall be enlarged on pre-arrest bail on executing a bond of Rs. 20,000/- (Rupees twenty thousand) only, with one surety of like amount, to the satisfaction of the arresting authority, subject to the condition that as the case is still under investigation, the accused petitioner is hereby directed to extend his further cooperation in the investigation of the case, as and when required.

9. The bail petition stands disposed of accordingly.

JUDGE

Comparing Assistant