GAHC010181352026

2026:GAU-AS:14908

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

Case No. : Bail Appln./2496/2026

SUREN KALITA AND ANR
SON OF LT. SHAKYA RAM KALITA
RESIDENT OF VILLAGE- GOPALPUR, P.S.- RANGIA, DISTRICT- KAMRUP (M), ASSAM.

2: RINKU KALITA
SON OF SHRI SUREN KALITA
RESIDENT OF VILLAGE- GOPALPUR
P.S.- RANGIA
DISTRICT- KAMRUP (M)
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S P DAS, MS. S BAISHYA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

06.10.2026

Heard Mr. S. P. Das, learned counsel for the accused and Ms. S. H. Bora,

learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 483 of the BNSS, 2023, is preferred by the accused, namely, **Suren Kalita** and **Rinku Kalita**, who have been languishing in jail hajot since 16.07.2026, in connection with Rangia P.S. Case No. 213/2026, registered under Sections 103(1)/3(5) of the BNS, 2023, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Dilip Kalita, on 15.07.2026.

4. The essence of allegation against the present accused in the FIR dated 15.07.2026, is that on 15.07.2026, at about 5:30 AM, the accused persons have assaulted one Bapan Kalita, brother of the informant, with stick and hand. And thereafter, they took him inside the room of said Bapan Kalita and tied him with a rope and left him there, after locking the door from outside. Thereafter, at about 8:45 AM, accused Suren Kalita informed the informant over phone that his brother has been creating a lot of nuisance and as such they had to lock him up inside his house. Then the informant asked his brother-in-law to enquire about the incident. At about 12 P.M., his brother-in-law informed him that his brother has passed away, and that his brother had died due to the assault of the accused persons.

5. Mr. Das, learned counsel for the accused submits that the accused have been languishing in jail hajot for the last 75 days, and that the accused are innocent and no-way involved with the offences alleged in the FIR, and that they have not assaulted the deceased.

5.1 Mr. Das further submits that in fact, the deceased had assaulted the accused persons and they took the deceased to his residence and kept him inside the room, as asked by the deceased's mother. He also submits that the accused will appear before the learned Trial Court on each and every date, and therefore, he has contended to allow this petition.

6. Per contra, Ms. Bora, learned APP for the State respondent, has opposed the petition on the ground that the I.O. has collected sufficient incriminating materials against the accused, and that the offences are serious in nature and the Post Mortem report indicates that the victim died as a result of anti-mortem injuries, caused by blunt force impact and the injuries are homicidal in nature. She also submits that the I.O. has already completed investigation and submitted charge-sheet against the accused persons, under Sections 103(1)/3(5) of the BNS, 2023, and under such circumstances, she has contended to dismiss the application.

7. Having heard the submissions of the learned counsel for both the parties, this Court has carefully gone through the petition and the documents placed on record and also gone through the scanned copy of the Trial Court records.

8. The Post Mortem report indicates that the deceased sustained injuries over his head and death was due to coma. The said report also indicates that the injuries sustained by the deceased are anti-mortem and were caused by blunt force impact and are homicidal in nature.

9. Further, the materials collected in the case diary indicates that the injuries sustained by the deceased were caused by none other than the present accused

persons.

10. The offences are serious in nature and the punishment prescribed for the same are also serious.

11. Considering the materials available against the accused persons and also considering the nature and gravity of the offences, this Court is of the view that this is not a fit case where the privilege of bail can be granted. And accordingly, this Court is inclined to dismiss this application.

12. In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant