GAHC010194982026

2026:GAU-AS:14843

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

Case No. : Bail Appln./2674/2026

MD TOMESH UDDIN ALIAS TOMEZ UDDIN
S/O LATE AIJUDDIN
R/O VILLAGE - RADHAKUCHI, P.S.- BARPETA, DISTRICT - BARPETA, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N UDDIN, MR S K CHHETRY,MR. M ISLAM,MR G SAROWAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

05.10.2026

1. Heard Mr. N. Uddin, learned counsel appearing for the petitioner. Also heard Mr. R.J. Baruah, learned APP appearing for the State of Assam.

2. By this application the petitioner has prayed for bail in connection with Jalukbari P.S. Case No. 294/2026 registered under Section 311 of the BNS, 2023.

3. The FIR in connection with which the petitioner was arrested on 08.08.2026 was lodged by the victim stating *inter alia* that on 30.07.2026 at around 2:00 a.m. six persons entered his house and physically assaulted him and his caretaker resulting in injuries to them. He further stated that the said persons stole various articles from his house including gold ornaments and cash.

4. The learned counsel appearing for the petitioner submits that during the course of investigation one accused person, namely, Tara Mia, was arrested and that the said accused person disclosed the name of the petitioner along with others as having participated in the commission of the offence. He further submits that on the basis of the said statement the petitioner was arrested.

5. On the other hand, Mr. R.J. Baruah, learned APP for the State submits that the co-accused had named the petitioner as being involved in the commission of the offence and that the CCTV footage also shows the presence of the petitioner at the place of occurrence. However, upon perusal of the case diary he submits that there appears to be no injury sustained by either the informant or his caretaker.

6. Upon consideration of the submissions made by the learned counsel for the parties, more so in view of the fact that the petitioner was arrested primarily on the basis of the statement of the co-accused and also considering the fact that the CCTV footage shows the movement of the vehicles allegedly used in the commission of the offence, this Court is inclined to enlarge the petitioner on bail. Accordingly, the petitioner is enlarged on bail on furnishing a bail bond of Rs. 20,000/- (Rupees twenty thousand) with one local surety of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) subject to the following conditions:

(i) The petitioner shall appear before the Investigating Officer as and when called for,

(ii) The petitioner shall not hamper and tamper with the evidence of the case, and/or influence the witnesses; and

(iii) The petitioner shall not leave his place of residence without the prior permission of the Investigating Officer.

7. Accordingly, this Bail Application stands disposed of.

JUDGE

Comparing Assistant