GAHC010207982026

2026:GAU-AS:14822

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

Case No. : Bail Appln./2916/2026

JIYARUL ALI
SON OF HABIBUR RAHMAN R/O.- VILL - GHILAGURI, P.S.- BONGAIGAON, DIST.- BONGAIGAON, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. J AHMED, MR Z RAHMAN,MS J YESMIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

05.10.2026

1. Heard Mr. J. Ahmed, 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 Howraghat P.S. Case No. 21/2026 registered under Section 331(6)/310(2) of the BNS, 2023.

3. The FIR in connection with which the petitioner was arrested on 05.08.2026 was lodged by the brother-in-law of the victim stating *inter alia* that while his sister and brother-in-law were sleeping in their house five unknown persons entered the premises and the house after breaking open the lock, looted various articles and assaulted and injured his brother-in-law.

4. The learned counsel appearing for the petitioner submits that during the course of investigation the petitioner was arrested merely on suspicion.

5. Mr. R.J. Baruah, learned APP on the other hand submits that the forwarding report reveals that during the course of investigation, upon examination of the CDR as well as the tower dump location the presence of the petitioner along with others was detected at various places including the place of occurrence. Accordingly, he prays for calling of the case diary.

6. Upon consideration of the submissions made by the learned counsel for the parties, more so in view of the fact that the petitioner appears to have been arrested merely on suspicion based on his presence at the place of occurrence as well as at certain other places and also considering the fact that the petitioner has been in custody for the last 62 days, this Court is inclined to enlarge the petitioner on bail. Accordingly, the petitioner shall be released 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 CJM, Diphu 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