GAHC010218022026

2026:GAU-AS:16756

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

Case No. : Bail Appln./3199/2026

GOLAP HUSSAIN
SON OF LATE ASANUDDIN P.S. BARPETA, IN THE DISTRICT OF BARPETA, ASSAM.

2: JAINAL ALI
SON OF HASEN ALI
RESIDENT OF SENGAPOHORI
P.S. TARABARI
IN THE DISTRICT OF BARPETA
ASSAM.

3: RABIYAL
SON OF YASEN ALI
RESIDENT OF VILLAGE GOROIMARI PUKHURIPAR
P.S. GOROIMARI
IN THE DISTRICT OF KAMRUP
ASSAM.

4: MOGRAB ALI
SON OF LATE MOINUDDIN ALI
RESIDENT OF GOROIMARI PATHAR
P.S. BARPETA
IN THE DISTRICT OF BARPETA
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MRS. S KHATANIAR, MD. K ISLAM,MR. B B GOGOI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SHAMIMA JAHAN
ORDER

13.11.2026

Heard Mr B B Gogoi, learned counsel for the petitioners and Mr M P Goswami, learned Additional Public Prosecutor, representing the State respondent/Assam.

2. By this application the petitioners, four in number, have prayed for bail in connection with Chhaygaon PS Case No. 140/2026, under Sections 103(1)/310(2)/61(2) of the BNS, 2023, corresponding to PRC Case No. 2153 of 2026, pending before the Court of CJM, Kamrup, Amingaon.

3. The FIR in connection with which the petitioners were arrested was lodged by the sister of the victim, stating, *inter alia,* that when her brother was sleeping in his house, some miscreants killed him by trying his hands and legs in the bed and looted valuable articles from the house.

4. The learned counsel for the petitioner submits that during investigation, an accused person, namely, Abu Hanif Miya was arrested and on the basis of the statement of the said witness, and other co-accused, the petitioners were arrested and put behind the bars for more than 85 days. The learned counsel also submits that the Police had completed the investigation and charge sheet has been laid, arraying the petitioners along with

others as accused persons and the matter is at the production stage. However, he submits that the petitioners are no way involved in the said offence.

5. On the other hand, Mr M P Goswami, learned Additional Public Prosecutor, on perusal of the case records submits that the accused had themselves admitted that they had entered into a conspiracy with each other and had committed the offence and had killed the deceased. He has also submitted that by analyzing the call data records as well as the CCTV footage, the complicity of the petitioners were found and as such, they were arrested in connection with the present offence. He has also stated that the petitioners were arrested in connection with other cases too, which shows that they are habitual offenders.

6. Upon consideration of the submissions made by the learned counsels, this Court finds as follows:-

i) It is stated in the forwarding report of the petitioner Nos. 1 and 2 that during the investigation, one Abu Hanif Miya was arrested and he had disclosed the names of petitioner Nos. 1 and 2 as co-offenders, and that both the petitioners had confessed their involvement in the commission of dacoity and murder of the deceased.

ii) It was also alleged that the petitioner No. 2 was staying in the rented house of the victim and had made a conspiracy along with others, to loot the valuable articles from the house of the victim.

iii) it is also stated in the forwarding report of the petitioner No. 3 that the

arrested petitioner, i.e., petitioner No. 2 had revealed the name of petitioner No. 3 and in the forwarding report of petitioner No. 4, it is also stated that disclosure was made by petitioner No. 2 and the said petitioner was arrested .

It is as such seen that the petitioners were arrested only on the disclosure statement made by the co-accused. Further, it is also noticed that Police had completed the investigation and had submitted charge sheet and the matter will go for trial, wherein the petitioners are required to defend themselves. It is further seen that the petitioners have been inside the jail, for the last, little less than 100 days. As such, this Court deems it fit to enlarge the petitioners on bail on furnishing of bail bonds of Rs. 30,000/- each, with two local sureties each of the like amount to the satisfaction of the CJM, Kamrup, Amingaon under the following conditions:-

i) the petitioners shall appear before the concerned Court as and when called for.

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

iii) the petitioners shall not leave their residence without prior permission of the Investigating Officer;

iv) the petitioners shall not approach the witnesses connected with the case; and

v) if the petitioners are found involved in any offence whatsoever by Police personnel in any place, the instant bail application will be amenable for

cancellation, by this Court.

7. Bail Application stands disposed of.

8. The observations made in the instant application is only for the purpose of this application and not to be considered further or during the trial.

JUDGE

Comparing Assistant