GAHC010221662026

2026:GAU-AS:16374

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

Case No. : Bail Appln./3200/2026

OWHED ALI
S/O.- HARUN ALI,
R/O.- KUMARPOTTA,P.O. AND P.S.- RANGIA, DIST- KAMRUP, ASSAM.PIN-781380.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE LD. P.P.ASSAM.

Advocate for the Petitioner : MR A K AHMED, MS P KAKATI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 06.11.2026

Heard Mr. A.K. Ahmed, learned counsel for the accused and Mr. R.J. Baruah, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 483, BNSS is preferred by accused, namely, Owhed Ali, who has been languishing in jail hazot in connection Rangia P.S.

Case No. 266/2026, under Sections 61(2)/103(1) 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 an FIR lodged by one Marami Begum, on 16.08.2026.

3.1. The essence of the allegation in the FIR dated 16.08.2026, is that on 15.08.2026, at about 11:00 a.m., one Rahul Amin called her husband to Kumarpotta, Malipam, on the pre-text of having a meal, and thereafter, she came to know that about 16 persons were present there including Karim Ali, Binoy Saloi and Rahul Amin. However, after having meal, her husband died under suspicious circumstances and the said information was not communicated to her, and she later came to know that her husband was initially taken to Rangia CHC and thereafter, to Swasti Hospital, where he was declared dead by the attending doctors.

4. Mr. Ahmed, learned counsel for the accused, submits that the accused is innocent and no way involved with the offence alleged in the FIR, and that he is ready to cooperate with the investigating agency, and therefore, it is contended to allow the petition.

5. Per contra, Mr. Baruah, learned Additional Public Prosecutor, has produced the case diary before this Court and submits that the death of the deceased was due to asphyxia as a result of ante-mortem drowning, and that no injuries were detected during post-mortem examination on the person of the deceased. However, Mr. Baruah has opposed the petition on the ground that the investigation is still going on and some of the co-accused are absconding and not cooperating with the investigating agency, and if the accused is enlarged on bail at this stage, then it may cause prejudice to the investigating agency.

6. Having heard the submission of learned counsel for both the parties, this Court has carefully gone through the petition and the documents placed on record, and also perused the case dairy with the assistance of Mr. Baruah, learned Additional Public Prosecutor

7. As stated above, the P.M. report of the deceased indicates that the cause of death was asphyxia as a result of ante-mortem drowning. However, it appears that no injuries or wound were detected on the person of the deceased, though some allegations have been made to the effect of noticing injury marks on the body of the deceased.

8. However, in view of the materials collected so far in the case diary, especially the statement of the informant recorded under Section 183 of the BNSS, 2023, and also in view of the nature and gravity of the offence, and in the interest of investigation, this Court is of the view that this is not a fit case where the privilege of bail can be granted to the accused, at this stage, and accordingly, the petition stands dismissed.

9. Case diary be returned.

JUDGE

Comparing Assistant