GAHC010222332026

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

Case No. : AB/2529/2026

HAMIDUL KHAN
S/O RAHIJ KHAN ALIAS RAJIH KHAN, R/O VILL GALIA, GERAMARA GAON, PO GERAMARI, PS HOWLY, DIST BARPETA, ASSAM PIN 781314

VERSUS

THE UNION OF INDIA AND ANR
REPRESENTED BY THE ASSTT SGI

2:THE STATE OF ASSAM
REPRESENTED BY THE PP
ASSA

Advocate for the Petitioner : MR A ALIM SK, MR K ISLAM,MD. I H KHAN

Advocate for the Respondent : DY.S.G.I., PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 07.10.2026

Heard Mr. A. Alim SK, learned Counsel for the petitioner and Mr. RJ Baruah, learned Additional Public Prosecutor for the State.

2. By this application, the petitioner has prayed for pre arrest bail in connection with Cyber South West PS Case No. 296/2026(e-FIR No. 296/2026)

registered under Section 318(4)/319/340/61(2) of BNS, 2023. The case of the petitioner is that he was served with a notice under Section 35(3) of the BNSS, by which he was apprised that during investigation of the e-FIR Case No. 296/2026, it was found out that certain facts and circumstances were known to the petitioner and he was called by the said notice to the Police Station. However, the learned Counsel for the petitioner submits that the petitioner had examination on that day and that he could not appear but the learned Counsel for the petitioner submits that the petitioner will appear before the concerned Police Officer as and when called by them.

3. On the other hand, Mr. RJ Baruah, learned Additional Public Prosecutor for the State submits that there is no apprehension on the part of the petitioner and that he was only called for getting certain facts and circumstances with regard to a particular case.

4. Upon considerations of the submissions made by the learned Counsels for the parties, more so in view of the fact that the petitioner could not appear before the police on the date he was called and also due to the pleadings narrated in the petition that he has apprehensions of being arrested by the Police Officer, this Court deems it fit to enlarge the petitioner on pre arrest bail on furnishing of bail bond of Rs. 20,000/- with one local surety of the like amount to the satisfaction of the Arresting Authority under the following conditions:

i) the petitioner will appear before the Investigating Officer within 15 days from the date of the order.

ii) the petitioner will appear before the Investigating Officer thereafter as and when called for.

iii) the petitioner will not hamper, tamper with the evidence, neither

influence the witnesses connected with the case.

iv) the petitioner will not leave the place of jurisdiction without the permission of the Arresting Authority.

5. Petition is disposed of.

JUDGE

Comparing Assistant