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

Case No. : Bail Appln./3265/2026

RUPCHAN ALI
S/O SARIFUDDIN ALI R/O CHENIMARI P.S.- TARABARI 2 DIST- BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. N K KALITA,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date :12.10.2026

Heard Mr. N. K. Kalita, the learned counsel for the petitioner and Mr. R. J. Baruah, the learned Addl. Public Prosecutor for the State of Assam.

2. By this application the petitioner has prayed for bail in connection with Azara P.S. Case No. 127/2026, registered under Sections 305(a)/3(5) of BNS,

2023.

3. The FIR in connection with which the petitioner was arrested on 17.09.2026, was lodged by, one Dilip Medhi on 05.09.2026, stating *inter alia* that, upon hearing uttering's of a cow, he came out and he saw a person untying his cow and taking it away. He further stated that, when he raised hue and cry, villagers came and one the thief was apprehend. The learned counsel for the petitioner submits that, the apprehended accused person had taken the name of the petitioner and the petitioner was arrested on the same. He submits that the petitioner was arrested only on the statement of the co-accused.

4. Mr. R. J. Baruah, the learned counsel for the State, on the other hand submits that, there were more thieves along with the arrested thief and that; the arrested thief had taken the name of the petitioner.

5. Upon consideration of the submissions made by the learned counsels, more so in view of the fact that, the petitioner was arrested and kept behind the bars for the last 26 days was only on the statement of the co-accused, this court enlarges the petitioner on bail, on furnishing of a bail bond of Rs. 20, 000/- (Rupees Twenty Thousand) with one local surety of the like amount to the satisfaction of the Additional CJM, Kamup (M) under the following conditions:

(i) The petitioner shall positively appear before the Investigating Officer without fail as and when call for.

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

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

6. The Bail Application stands disposed of.

JUDGE

Comparing Assistant