GAHC010226592026

2026:GAU-AS:15378

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

Case No. : AB/2614/2026

SRI KAILASH DAS
SON OF SADANADA DAS, RESIDENT OF VILL- DALIMARVITHA,
PUTHIMARI, P.S. BARPETA DISTRICT -BARPETA, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MS R BEGUM,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

12.10.2026

1. Heard Ms. R. Begum, 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 pre-arrest bail in connection with Barpeta P.S. Case No. 327 of 2026 registered under Sections 132/115(2)/296/74/76 of the BNS, 2023.

3. The FIR in connection with which the petitioner is apprehending arrest was lodged by a security guard at Barpeta Medical College alleging *inter alia* that while she was on duty, the petitioner in an intoxicated state approached her and without any apparent reason engaged in an argument with her and assaulted her by touching her private parts. She further alleged that upon the arrival of other persons at the place of occurrence the petitioner fled from the scene.

4. The learned counsel appearing for the petitioner submits that the allegations made in the FIR are concocted. He further submits that the petitioner was taking a patient who had been discharged from the hospital and when the informant questioned his presence there a quarrel ensued between them.

5. Mr. R.J. Baruah, learned APP appearing for the State however submits that as is evident from the FIR the security guard was assaulted by the petitioner.

6. Upon consideration of the submissions made by the learned counsel for the parties, more so in view of the plea taken in the petition that the security guard had unnecessarily provoked the petitioner, this Court is inclined to grant the privilege of pre-arrest bail to the petitioner. 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 Arresting Authority subject to the following conditions:

(i) The petitioner shall positively appear before the Investigating Officer within a period of 20 days from today and cooperate with the investigation without any failure,

(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 his residence without prior permission of the Investigating Officer.

7. Accordingly, this Anticipatory Bail application is disposed of.

JUDGE

Comparing Assistant