GAHC010228752026

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

Case No. : AB/2624/2026

SRI TAPAN KALITA AND 2 ORS
SO SRI UTTAM KALITA, RO VILL NO 1 BAGTA, PS HAJO, DIST KAMRUP, ASSAM, PIN 781102

2: SRI UTPAL KALITA
SO SRI UTTAM KALITA
RO VILL NO 1 BAGTA
PS HAJO
DIST KAMRUP
ASSAM
PIN 781102

3: MADHAB KALITA
SO SRI UTTAM KALITA
RO VILL NO 1 BAGTA
PS HAJO
DIST KAMRUP
ASSAM
PIN 78110

VERSUS

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

Advocate for the Petitioner : MS. T SOM, MS. A MAHANTA,MR. U HAZARIKA

Advocate for the Respondent : PP, ASSAM, MS. P SAHARIA (LEGAL AID COUNSEL FOR THE INFORMANT)

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

12.11.2026

1. Heard Ms. T. Som, learned counsel appearing for the petitioners. Also heard Mr. M.P. Goswami, learned APP appearing for the State of Assam and Ms. P. Saharia, learned Legal Aid Counsel appearing for the informant.

2. By this application the petitioners have prayed for pre-arrest bail in connection with Rangia P.S. Case No. 0343/2026, registered under Sections 109 and 3(5) of the BNS, 2023.

3. The FIR in connection with which the petitioners are apprehending arrest was lodged by the victim himself stating *inter alia* that about 10 days prior to the lodging of the FIR an altercation had taken place between the petitioners and him. It is alleged that the petitioners had abused him using foul language and when he objected to the same they entered his house and assaulted him. The informant further alleged that all three petitioners had severely assaulted him as a result of which he had to undergo medical treatment for approximately 10 days.

4. The learned counsel appearing for the petitioners submits that the petitioners were enlarged on interim pre-arrest bail vide order dated 13.10.2026 subject to the condition that they would appear before the Investigating Officer within a period of 10 days. In compliance with the said direction the petitioners

appeared before the Investigating Officer and their statements were duly recorded. On the merits of the case, the learned counsel submits that there was a verbal altercation between the two parties over a land dispute pursuant to which cross-FIRs were lodged.

5. Mr. M.P. Goswami, learned APP on the other hand upon perusal of the case diary submits that there are witnesses who have stated that the petitioners had assaulted the informant and abused the other family members of the informant. He further relies upon the injury report of the informant which indicates that the informant had sustained grievous injuries.

6. Ms. P. Saharia, learned counsel appearing for the informant also submits that the petitioners had assaulted the informant causing him injuries and that even after being enlarged on interim protection, they had threatened the informant and his family members.

7. Upon consideration of the submissions made by the learned counsel for the parties, more so in view of the fact that there was a land dispute between the parties and that the petitioners have cooperated with the investigation by complying with the directions contained in the order granting interim protection, this Court is inclined to make the interim protection granted to the petitioners absolute.

8. Accordingly, the order dated 13.10.2026 is made absolute, subject to the further condition that the petitioners shall scrupulously abide by all the conditions stipulated in the said order. It is made clear that in the event of any violation of the conditions so imposed, the informant shall be at liberty to approach this Court seeking cancellation of the pre-arrest bail granted to the petitioners.

9. The petition stands disposed of.

JUDGE

Comparing Assistant