GAHC010230182026

2026:GAU-AS:15492

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

Case No. : AB/2632/2026

ABDUL MANNAN BARBHUIYA
SON OF ALAUDDIN BARBHUIYA, RESIDENT OF VILLAGE JHALANACHARA, P.O. JAMIRA BAZAR, P.S. KATICHERRA, DISTRICT HAILAKANDI, ASSAM, PIN 788162.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM, GAUHATI HIGH COURT, GUWAHATI, ASSAM

Advocate for the Petitioner : MR. M ALI, MR. S U AHMED,MR. M R Z CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

13.10.2026

1. Heard Mr. M. Ali, learned counsel appearing for the petitioner. Also heard Mr. D.P. Goswami, learned APP appearing for the State of Assam.

2. By this application the petitioner has prayed for pre-arrest bail in connection with CID P.S. Case No.04/2025 registered Under Sections

61(2)/318(4)/336(3)/340(2) of the BNS, 2023.

3. The FIR in connection with which the petitioner is apprehending arrest was lodged by the Chief Engineer of the Water Resources Department stating *inter alia* that it had come to his knowledge that certain miscreants were circulating a fake letter bearing his forged signature among various divisions of the Water Resources Department.

4. The learned counsel appearing for the petitioner submits that the petitioner has been implicated in the said offence merely on suspicion. He further submits that a notice under Section 35(3) of the BNSS, 2023 was issued to the petitioner, however, owing to physical ailment the petitioner could not appear in compliance with the said notice.

5. Mr. D.P. Goswami, learned APP on the other hand submits that the petitioner ought to have appeared before the Investigating Officer in compliance with the notice issued to him. He further submits that the notice was issued to the petitioner on two occasions, but the petitioner failed to appear pursuant thereto.

6. Upon consideration of the submissions made by the learned counsel for the parties, more so in view of the fact that the petitioner is stated to have been undergoing medical treatment and that his implication in the case appears to be based on suspicion, this Court is inclined to grant the petitioner the privilege of pre-arrest bail. 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 a 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 15 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