GAHC010234092026

2026:GAU-AS:16647

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

Case No. : AB/2694/2026

ALIM UDDIN AND 4 ORS.
S/O LATE KASHEM ALI

2: ABDUL BATEN
S/O JAKIR HUSSAIN

3: NUR JAHAN
W/O ALIM UDDIN

4: BAHATUN NESSA

W/O JAKIR HUSSAIN

5: CHAINA BEWA
W/O LATE KASHEM ALI
ALL ARE RESIDENT OF VILLAGE-CHENGPATA
P.S. BAGUAN
DISTRICT GOALPARA
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR F HAQUE, MR A ISLAM

Advocate for the Respondent : PP, ASSAM, MR. M S MONDAL(INFORMANT),MR A ALIM SK(INFORMANT)

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

11.11.2026

Heard Mr. F. Haque, learned counsel for the applicants and Mr. R.J. Borua, learned Additional Public Prosecutor for the State respondent. Also heard Mr. A. Alim Sk., learned counsel for the informant.

2. This application, under Section 482 of the BNSS, is preferred by the applicants, namely, (i) Alim Uddin; (ii) Abdul Baten; (iii) Nur Jahan; (iv) Bahatun Nessa; and (v) Chaina Bewa, who have been apprehending arrest in connection with Baguan PS Case No. 79/2026, under Sections 189/190/191/109/118(2)/329(3)/351(3) of the BNS, for granting pre-arrest bail.

3. It is to be noted here that the aforesaid case has been registered on the basis of an FIR lodged by one Hashem Ali, on 08.10.2026.

3.1. The essence of allegation made in the FIR, dated 08.10.2026, is that on 06.10.2026, at about 09:00 am, informant's elder brother, namely, Taser Ali, was clearing jungle at Chengpata village for cultivation and at that time, one Jakir Hussain; Rejabul Haque; Alim Uddin; Abdul Baten; Nur Jahan; Bahatun Nessa; and Chaina Bewa, attacked him from behind and inflicted injuries on his head by means of a sharp object, with an intent to kill him and when his nephew, namely, Afjalur Rahman, rushed to the spot to rescue the victim (informant's elder brother), then they also assaulted him with a wooden baton, causing injuries on various parts of his body.

4. Mr. Haque, learned counsel for the applicants, submits that the applicant No. 5 (Chaina Bewa), is a 75 years old woman and considering her age, this

Court was pleased to grant her the privilege of interim pre-arrest bail, vide order dated 02.11.2026 and pursuant to the said order, she has appeared before the IO and has been cooperating with the investigating agency and under such circumstances, Mr. Ahmed has contended to make the interim order, dated 02.11.2026, absolute.

4.1. It is further submitted by Mr. Haque that applicant No. 1 (Alim Uddin), has already been arrested by the police and as such, the present application, qua the applicant No. 1, has become infructuous. But, the other applicants are innocent and no way involved with the offence alleged in the FIR and that they are ready to cooperate with the investigating agency and therefore, Mr. Haque has contended to allow this application.

5. Per-contra, Mr. Borua, learned Additional Public Prosecutor, has produced the case diary before this Court and submits that the IO has collected sufficient incriminating materials against the applicants and therefore, he has contended to dismiss this application.

6. On the other hand, Mr. Alim, learned counsel for the informant, has produced two photographs of the victim and submits that the injuries sustained by him are grievous in nature and the same is on a vital part of his body and that the victim is still undergoing treatment. Mr. Alim further submits that the applicants are threatening the informant to withdraw the case and under such circumstances, he has contended to dismiss this application.

7. Having heard the submissions of learned counsel for both the parties, this Court has carefully gone through the petition as well as the documents placed on record and also perused the case diary with the assistance of learned Additional Public Prosecutor.

8. The case diary indicates that the IO has collected sufficient incriminating materials. Further, the injuries sustained by the victim appear to be on vital part of his body and the same are grievous in nature. It also appears that investigation is still going on. Therefore, it cannot be said that the custodial interrogation of the applicants is not warranted in the interest of investigation.

9. However, considering the fact that the applicant No. 3 (Nur Jahan) and applicant No. 4 (Bahatun Nessa) are women and taking into account the role played by them, this Court is of the view that their custodial interrogation is not warranted in the interest of investigation.

10. Accordingly, it is provided that in the event of arrest of the applicant No. 3 (Nur Jahan) and applicant No. 4 (Bahatun Nessa), they shall be released on pre-arrest bail on executing a bond of Rs. 25,000/- each, with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:-

(i) that the applicant Nos. 3 and 4 shall make themselves available for interrogation by the Investigating Officer as and when directed;

(ii) that the applicant Nos. 3 and 4 shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer; and

(iii) that the applicant Nos. 3 and 4 shall not leave the jurisdiction of the learned **Chief Judicial Magistrate, Goalpara**, without prior permission.

11. Further, in view of the cooperation being extended by the applicant No. 5 (Chaina Bewa), who is a 75 years old woman, this Court is of the view that her

custodial interrogation is not required and accordingly, the interim order, dated 02.11.2026, granted in favour of her, is hereby made absolute.

12. Further, in view of the materials so far collected against the applicant No. 2 (Abdul Beten), his prayer is hereby rejected and as the applicant No. 1 (Alim Uddin) has already been arrested by the police, his prayer becomes infructuous.

13. In terms of above, this anticipatory bail application stands disposed of.

14. Case diary be returned.

JUDGE

Comparing Assistant