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2026:GAU-AS:16189

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

Case No. : Bail Appln./3495/2026

HIMANGSHU KALITA AND 3 ORS.
S/O- LATE MUNINDRA KALITA, R/O- MAZDIA, P.S.- NALBARI, DIST. - NALBARI, ASSAM.

2: DIPANKAR BARUAH
S/O- LATE PRAFULLA BARUAH
R/O- HOUSE NO.14
NAMGHAR PATH
R.G. BARUAH ROAD
PS GEETANAGAR
DIST. - KAMRUP(M)
ASSAM.

3: PALASH KUMAR DEKA
S/O-SANTU RAM D
R/O- SENAPATI PARA
P.S.- SIPAJHAR
DIST. - DARRANG
ASSAM.

4: APURBA DEKA
S/O- LATE JATINDRA NATH DEK
R/O- JANIGOG
P.S.- NALBARI
DIST. - NALBARI
ASSAM

VERSUS

STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR P DAS, MR K J PATHAK,MS N BARUAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 04.11.2026

Heard Mr. P. Das, learned counsel for the accused applicant. Also heard Mr. K.K. Das, learned Additional Public Prosecutor appearing for the State.

2. This is an application filed under Section 483 of the BNSS, 2023 praying for grant of bail to the accused applicants, namely, **1. Himangshu Kalita, 2. Dipankar Baruah, 3. Palash Kumar Deka and 4. Apurba Deka** in connection with Nalbari P.S. Case No.204/2026 under Sections 140(2)/204/319(2)/3(5) of BNS, 2023.

3. The gist of the case is that the FIR was lodged by one Saira Bibi on 12.09.2026 before the Officer-In-Charge of Nalbari Police Station alleging *inter alia* that on 11.09.2026 four unknown persons came to her residence and introduced themselves as Police Officials from Guwahati and came there to take her husband to Nalbari Police Station. Accordingly, they took her husband and thereafter a call was received from them demanding Rs.30,000/- (Rupees thirty thousand) only for releasing her husband namely, Rajib Ali. It is alleged that an amount of Rs.30,000/- (Rupees thirty thousand) only was transferred through phone pay from the CSP Centre to the Bank Account of one of the accused/applicant, Dipankar Baruah. After receipt of the said amount Rajib Ali was released at Alangidol.

4. On receipt of the FIR, the police registered the Nalbari P.S. Case No.204/2026 under the aforementioned sections.

5. The learned counsel for the accused/applicant submits that the accused/applicants are part of one organisation namely, 'Hope Foundation' who runs a rehabilitation centre in Nalbari. He also submits that the accused/applicants are part of the management of the aforesaid Rehabilitation Centre and the informant's husband Rajib Ali is a habitual drug addict and paddler and he had been into the rehabilitation centre off an on. He also submits Rajib Ali was under treatment in the rehabilitation centre and when he recovered he went out of the rehabilitation centre with the understanding that he would be paying the required fee of Rs.30,000/- to them after reaching house. However, since the money was not paid, the accused/applicants went to the house of the informant and it was intimated to the informant that they were taking Rajib Ali to rehabilitation centre again and once the money was paid he shall be released. On that understanding the money was received by the accused/applicants and therefore there is no case of any kidnapping or extortion in the instant case. He further submits that since the accused/applicant is behind the bars for last 51 days, taking into account the aforesaid, the accused/applicants should be granted bail.

6. Mr. K.K. Das, learned Additional Public Prosecutor appearing for the State of Assam, on the other hand, opposes the prayer for bail submitting that there are sufficient materials against the accused/applicants in the case diary.

7. Case Diary in the in the instant case has been received and the same is perused.

8. This Court has considered the submissions made by the learned counsel for the parties and has gone through the materials available in the CD.

9. Taking into account the facts of the present case as well as the fact that the length of detention of the accused/applicant is about 51 days, this Court is of the considered opinion that the accused/applicant named above should be released on bail. Accordingly, it is directed that the accused/applicants shall be released on bail on furnishing bail bond of Rs.30,000/- (Rupees one lakh) only each with one surety of like nature to the satisfaction of Chief Judicial Magistrate, Nalbari subject to the following conditions:-

(i) That the accused applicants shall co-operate with the investigation and make themselves available as and when called for;

(ii) the accused applicant shall not try to influence any of the witnesses that may be involved in the instant case or tamper or hamper with the investigation in whatsoever manner.

10. In terms of the above, the instant Bail Application is allowed and disposed of.

JUDGE

Comparing Assistant