GAHC010242592026

2026:GAU-AS:16420

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

Case No. : Bail Appln./3511/2026

KISHOR DEY ALIAS KAMLADEEP DEY
S/O- KARTIK DEY R/O- VILL- UMARPUR P.S- BADARPUR, DIST.-SRIBHUMI, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. A AHMED, MR A AHMED,MISS. P M AHMED,U U KHAN,MR. M A CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 10.11.2026

Heard Mr. A. Ahmed, learned counsel for the accused and Mr. R.J. Baruah, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 483, BNSS is preferred by accused, namely, Kishor Dey @ Kamladeep Dey, who has been languishing in jail hazot in

connection with Udharbond P.S Case No. 121/2026, under Sections 132/121(2)/296/352/3(5) of BNS, R/W Section 3 of the Prevention of Damage to Public Property Act, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by LNK-746 Piyas Das of Udharbond P.S., on 20.10.2026.

3.1. The essence of the allegation in the FIR dated 20.10.2026, is that on 19.10.2026, while the informant was attending duty from 10 p.m. to 6 a.m. at Kachakandi point, under Udharbond P.S., one motorcycle, bearing registration number AS-10E-4170 with two persons arrived at the no entry point at about 12:30 a.m. and started forcing him to enter into the Kalibari road, to which he informed them that the road has no entry for vehicles and asked them to park the vehicle there and walk towards the Puja pandal. Thereafter, the accused persons, namely, Kishore Dey and Sandip Dey, abused him with obscene language and started assaulting him and also tore his uniform and obstructed in discharging his lawful duty.

4. Mr. Ahmed, learned counsel for the accused submits that the accused was arrested on 20.10.2026, and since then, he is behind the bar for last 22 days, and that he is innocent and no way involved with the offence alleged in the FIR. Mr. Ahmed also submits that none of the offences, under which the case has been registered, are attracted in this case, and that the accused is ready to cooperate with the investigating agency, and under such circumstances, he has contended to allow the petition.

5. Per contra, Mr. Baruah, learned Additional Public Prosecutor submits that though he was directed to produce the case diary before this Court, he has not

received the same and as per his instruction, the I.O. has completed investigation and submitted charge sheet before the learned trial Court, and under such circumstances, he has contended to dismiss the petition.

6. Having heard the submissions of learned counsel for both the parties, this Court has carefully gone through the petition and the documents placed on record.

7. It appears that the accused was arrested on 20.10.2026, and since then, he is behind the bar for last 22 days. It also appears that investigation of the case has been completed and charge-sheet, bearing No. 95 of 2026, dated 30.10.2026, has been laid before the learned trial Court.

8. Since investigation of the case has been completed and charge-sheet has been submitted, the question of hampering investigation or tampering the witnesses does not arise, and now the trial will start and the accused has to prepare his defense. And accordingly, this Court is inclined to allow this petition.

9. It is provided that on furnishing a bond of Rs. 25,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Cachar, Silchar, the accused be enlarged on bail.

10. In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant