GAHC010243392026

2026:GAU-AS:16378

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

Case No. : Bail Appln./3552/2026

KITAP ALI
SON OF GONI MIYA, VILL- PUB KURIHAMARI, P.O.- BHANGNAMARI, P.S- SIALMARI, DISTRICT- NALBARI, ASSAM, PIN- 781126

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N ALAM R K, MR. J M DAS,MR. A RAHMAN,N HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

06.11.2026

Heard Mr. J.M. Das, learned counsel appearing on behalf of Mr. N. Alam R.K., learned conducting counsel for the accused and also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This bail application under Section 483 of the Bharatiya Nagarik Suraksha

Sanhita (BNSS), 2023 is preferred by the accused, namely, Kitap Ali, who has been languishing in jail hazot since 16.10.2026, in connection with Mukalmua P.S. Case No.140/2026, under Section 319(2)/ 318(4)/ 308(6)/ 308(7)/ 317(4)/ 112/ 61(2)(a)/ 351(2)/ 361(3)/ 3(5)/ 3(6)/ 3(8)/ 3(9) of BNS, 2023, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR, lodged by S.I. Dipak Barkakati of Mukalmua Police Station, on 05.09.2026. The essence of allegation made in the FIR, dated 05.09.2026, is that one Ashik Ali, Iftikar Ali @ Xaru, Rubul Ali, Nazrul Ali and others, functioning as a group and gang, in conspiracy with one another and with unknown others, in furtherance of common intention and common object, in the area around the precincts of Mukalmua Police Station, by deceit and personating as Advocates and officials, extorting money and cheating public. They often, by stopping people near the police station, forced the parties to settle the dispute and thereby obtained money from them and also threatened them for false criminal prosecution.

4. Mr. Das, learned counsel for the accused, submits that the accused was arrested on 16.10.2026 and since then he has been languishing in jail hazot for last 21 days. Mr. Das further submits that though the present accused is named in the FIR, yet the allegation against him is not specific and the same is general in nature and that arising out of the same FIR, other FIR named accused has also been released on bail by this Court vide order dated 29.09.2026 and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow this application.

5. Per contra, Mr. Baruah, learned Additional Public Prosecution, Assam, submits that at this stage, case diary may be called for.

6. Having heard the submission 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 16.10.2026 and since then he has

been languishing in jail hazot for last 21 days and that the other FIR named accused has already been released on bail by this Court, vide order dated 29.09.2026 in Bail Appln. No.2807/2026.

8. Having considered the above facts and circumstances and also considering the period of detention and balancing the same with the nature and gravity of the offence, as alleged in the FIR, this Court is of the view that further custodial detention of the accused may not be warranted, in the interest of investigation.

9. Accordingly, 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, Nalbari, the accused, namely, Kitap Ali, be enlarged on bail.

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

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant