GAHC010244692026

2026:GAU-AS:16471

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

Case No. : Bail Appln./3622/2026

PRATIVA DEVI ALIAS PARWATI DEVI AND 2 ORS
W/O-- JAGDISH GUPTA R/O-- NEAR DON BOCSO SCHOOL P.S-- JALUKBARI DISTRICT-- KAMRUPM

2: RAJA GUPTA
S/O-- JAGDISH GUPTA R/O-- NEAR DON BOCSO SCHOOL P.S-- JALUKBARI DISTRICT-- KAMRUPM

3: SONU GUPTA
S/O-- JAGDISH GUPTA R/O-- NEAR DON BOCSO SCHOOL P.S-- JALUKBARI DISTRICT-- KAMRUPM .ACCUSED/

VERSUS

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

Advocate for the Petitioner : MR. N J DUTTA, S RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

10.11.2026

Heard Mr N J Dutta, learned counsel for the petitioners and Mr D P Goswami, learned Additional Public Prosecutor, representing the State respondent/Assam.

2. By this application the petitioners have prayed for bail in connection with Jalukbari PS Case No. 416/2026 registered under Section 305 of the BNS, 2023.

3. The FIR in connection with which the petitioners were arrested on 25.10.2026, was lodged by the victim himself, stating, *inter alia,* that pm 21.10.2026, at about 05:20 pm, theft was committed at house. It was stated that the thieves entered through the back window and had stolen one gold ring, some cash amount and one mobile phone. It was also stated that when suspects were arrested by the Police, the informant went and found his articles from the said location.

4. The learned counsel for the petitioner submits that the petitioners were arrested only on suspicion and the grounds of arrest shows that the stolen jewellery was recovered from the possession of the petitioners, along with others.

5. Mr D P Goswami, learned Additional Public Prosecutor, on the other hand, submits that the Case Diary be seen in order to see the complicity of the petitioners.

6. Upon consideration of the submissions made by the learned counsels appearing for both the parties, more so, in view of the fact that the petitioners were arrested only on suspicion and seizure articles also do not tally with the articles stolen from the victim's house and also due to the fact that notice under Section 35 (3) was not issued to the petitioners, neither any reasons were given by the Investigating Officer, this Court finds it fit to enlarge the petitioners on bail on furnishing of a bail bonds of Rs. 20,000/- each, with one local surety of the like amount to the satisfaction of the learned CJM, Kamrup (Metro)/concerned Court, under the following conditions:-

i) the petitioners shall appear before the Investigating Officer/concerned Court as and when called for.

ii) the petitioners shall not hamper and tamper with the evidence of the case, and/or influence the witnesses; and

iii) the petitioners shall not leave his residence without prior permission of the Investigating Officer.

7. Bail Application stands disposed of.

JUDGE

Comparing Assistant