GAHC010248352026

2026:GAU-AS:16448

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

Case No. : Bail Appln./3583/2026

IJAJUL ISLAM AND 2 ORS.
S/O- ABDUL MOTALEB, R/O- MOIRAARI, BORTOL KACHARIGAON, PS MOIRABARI, MORIGAON, ASSAM

2: GIYASUDDIN
S/O- IMAN ALI
R/O- 1 NO KHOLA BHUYAN
PS MAYONG
DIST MORIGAON
ASSAM

3: KULSUMA BEGUM
W/O- LATE ABDULB SALAM
C/O- ASMAT ALI
R/O- MOIRABARI
PO MOIRABARI
MORIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. D BORA, MR. B.H. TAPADAR,A.ISLAM,MR. N MAHAJAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : *10.11.2026*

Heard Mr. D. Bora, learned counsel for the accused applicants. Also heard Ms. A. Begum, learned Addl. Public Prosecutor for the State of Assam.

2. This is an application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying for granting bail to the accused applicants in connection with Demow P.S. Case No. 93/2026, registered under Sections 112(2)/3(5)/303(2)/318(4) of the BNS, 2023.

3. The allegation, as alleged in the FIR dated 11.09.2026, lodged before the Officer-in-Charge, Demow Police Station, is that on 11.09.2026, while the informant was withdrawing money from an ATM of SBI, Demow Branch, using the ATM card of his wife, namely, Anjana Gogoi, an unknown woman present at the ATM asked him to check her ATM card and bank statement. During the process, the aforesaid woman took his ATM card and handed over another ATM card to him. After coming out of the ATM, he noticed that the ATM card had been replaced, but could not find the said woman there. After some time, he received an SMS on his mobile phone and came to know that about Rs.23,000/- had been withdrawn from his bank account through ATM transactions.

4. On the basis of the above FIR, the police registered Demow P.S. Case No. 93/2026 under the aforementioned sections.

5. Learned counsel for the accused applicants submits that the accused applicants have been in jail for 57 days and that their further detention in connection with this case may not be required.

6. On the other hand, Ms. Begum, learned Addl. P.P., opposes the prayer for bail at this stage.

7. This Court, after taking into consideration the prolonged detention of the accused applicants and the nature of the offence committed, is of the considered opinion that the accused applicants should be granted bail. Accordingly, it is directed that the accused applicants shall be released on bail upon furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand only) each, with one surety of a like nature to the satisfaction of the learned Judicial Magistrate First Class, Sivasagar subject to the following conditions:

(i) that the accused applicants shall cooperate with the investigation and make themselves available as and when called for;

(ii) that the accused applicants 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 such person from disclosing such facts before the Investigating Officer; and

(iii) that the accused applicants shall not hamper or tamper with the investigation in any manner whatsoever.

8. In view of the aforesaid directions, this bail application stands disposed of as allowed.

JUDGE

Comparing Assistant