GAHC010207022026

undefined

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

Case No. : AB/2334/2026

PADMA SARKAR
SON OF SURYAKANTA SARKAR ALIAS SURYA SARKAR, RESIDENT SINGIMARI HABI, P.O. ALIKASH, P.S. GOROIMARI, IN THE DISTRICT OF KAMRUP, ASSAM, PIN 781137.

VERSUS

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

Advocate for the Petitioner : MR. M R SODIAL, MS S Z HAYAT,MR. RAJIB ALI,MS. A KHATUN,MR B ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 15.10.2026

Heard Mr. MR Sodial, learned Counsel for the petitioner and Mr. B. Sharma, learned Additional Public Prosecutor for the State.

2. By this application, the petitioner has prayed for pre arrest bail in connection with Goroimori PS Case No. 44/2026 registered under Section

74/118(2)/3(5) of BNS, 2023. The FIR in connection with which the petitioner is apprehending arrest was lodged by the victim herself stating inter alia that her husband received Rs. 2,000/- from the accused no.1 arrayed in the FIR and when her husband asked him to give his money, the said accused threatened and abused her husband. She further stated that on 23.08.2026, when she asked accused no.1, to give the money that her husband owed, accused no.1 along with the petitioner grabbed her hair and assaulted her and physically injured her.

3. The learned Counsel for the petitioner submits that the story narrated in the FIR is a concocted story and he further submits that no injury was caused to the victim.

4. On the other hand, Mr. B. Sharma, learned Additional Public Prosecutor for the State on perusal of the Case Diary submits that photographs shows that the injuries were sustained by the victim and that independent witnesses have stated about the said assault being made on the informant by the petitioner no.1. As such, he objects for grant of bail.

5. Upon considerations of the submissions made by the learned Counsels for the parties, more so in view of the fact that no specific allegations were made against the petitioner and also seeing the Case Diary, it could not be deduced that the independent witness had seen the assault, this Court deems it fit to enlarge the petitioner on pre arrest bail on furnishing of bail bond of Rs. 20,000/- with one local surety of the like amount to the satisfaction of the Arresting Authority under the following conditions:

i) the petitioner will appear before the Investigating Officer within 15 days from the date of the order.

ii) the petitioner will appear before the Investigating Officer thereafter as and when called for.

iii) the petitioner will not hamper, tamper with the evidence, neither influence the witnesses connected with the case.

iv) the petitioner will not leave the place of jurisdiction without the permission of the Arresting Authority.

6. Petition is disposed of.

JUDGE

Comparing Assistant