GAHC010215232026

2026:GAU-AS:15656

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

Case No. : Bail Appln./3039/2026

MAJAHARUL ISLAM
S/O JAMIR ALI VILL- BHEHUGURI, RANGADORIA P.S. MIKIRBHETA
DISTRICT - MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : S K PODDAR, R MANDAL,MR. R GHOSH,MR. C SHARMA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

Date : 14.10. 2026

Heard Mr. S.K. Poddar, learned counsel appearing for the petitioner. Also heard Mr. B. Sarma, learned Addl. P.P. for the State.

2. The present petition is filed under Section 483 of the BNSS, 2023 for grant of

bail to the petitioner, namely, **Majaharul Islam**, in connection with Mikirbheta P.S. Case No. 103/2025 under Sections 336 (3)/ 316 (5) of BNS read with Section 66 (C)/ 66 (D) of the IT Act.

3. The learned counsel for the petitioner has submitted that the petitioner has completed 75 days in custody as of today.

He has further submitted that, barring the provisions of Section 316 (5) of BNS levelled against the petitioner, for all the other allegations, the mandatory period for submission of the charge-sheet is 60 days.

4. The learned counsel for the petitioner has submitted that the forwarding report of the accused does not reveal in any manner that the petitioner is a person defined under the provisions of Section 316 (5) of the BNS, 2023.

5. The learned Addl. P. P. has produced the case Diary and, having gone through the same, I am of the considered opinion that, for the present, the allegations of Section 316 (5) of the BNS have not been made out against the petitioner in the investigation conducted so far. In such a view of the matter, I do not think it necessary that the petitioner is required to be continued in custody for the purposes of investigation.

6. Accordingly, it is provided that the petitioner shall be released on bail on furnishing a bail bond of Rs. 20,000/- with two local sureties of the like amount to the satisfaction of the learned CJM, Morigaon, Assam, who shall be at liberty

to impose such other conditions as may be necessary to ensure the participation of the petitioner in the further investigation.

7. It is, however, provided that the petitioner shall not leave the jurisdiction of the learned CJM, Morigaon, without prior written permission; in the event it is deemed fit, the learned CJM may direct the petitioner to deposit his passport.

8. Accordingly, this bail application stands disposed of.

JUDGE

Comparing Assistant