GAHC010217742026

2026:GAU-AS:15602

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

Case No. : AB/2497/2026

TAPAN DUTTA
SON OF TARUN DUTTA, RESIDENT OF VILLAGE HABI CHUK,
DIBRUGARH, DISTRICT DIBRUGARH, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR S H SIKDAR,

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE SANJEEV KUMAR SHARMA

O R D E R

14.10.2026

Heard Mr. S.H. Sikdar, learned counsel for the petitioner. Also heard Mr. P.S.

Lahkar, learned Addl. Public Prosecutor for the State.

2. This bail application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is preferred by the applicant, namely, Tapan Dutta, who has been apprehending arrest in connection with Lahowal P.S. Case No.32/2026, under Sections 61(2)(a)/106(1)/118(2)/109(1)/3(5) of Bharatiya Nyaya Sanhita (BNS), 2023, read with Section 25(1B)(a)/27(1) of the Arms Act and added Section 103 of BNS, for grant of the privilege of pre-arrest bail.

3. The learned counsel for the petitioner submits that subsequent to the registration of the instant case, the police started investigation of the case and visited the residence of the petitioner and informed the family members that the petitioner is required in connection with the instant case. As such the petitioner has reasonable apprehension that the police might arrest him in connection with the aforesaid case on his appearance before the police station.

4. The learned counsel for the petitioner submits that the petitioner only followed the main accused in his own vehicle to see what was going to happen.

5. The learned counsel for the petitioner submits that the deceased along with two other persons were riding the motorcycle and were in a drunken condition and they hurled abuse or slangs against the main accused Dibyajyoti Baruah, who thereafter pursued the said three persons in his own vehicle and the present petitioner was not in the vehicle.

6. It is further submitted that the petitioner had no role in the shooting or assaulting of the deceased or the other two injured persons.

7. Learned Addl. PP has produced the Case Diary and has submitted that the custodial interrogation of the petitioner is very much necessary, as he would otherwise never reveal the truth as he is a close friend of the prime accused.

8. On perusal of the Case Diary, it appears that there is material to show that the petitioner was present at the place of occurrence and the statements of surviving injured victims also implicate the petitioner who was driving the Hyundai Venue vehicle.

9. From the above, it appears that custodial interrogation of the petitioner is very much necessary and the I.O has also stated in his bail rejection that there is reasonable apprehension that the petitioner may try to influence or intimidate the surviving injured witnesses.

10. Having regard to the above, I am of the view that this is not a fit case for grant of pre-arrest bail.

11. Accordingly, the prayer for pre-arrest bail stands rejected.

12. Send back the Case Diary.

JUDGE

Comparing Assistant