GAHC010233302026

2026:GAU-AS:15755

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

Case No. : Bail Appln./3371/2026

AFJAL MONDAL ALIAS MANDAL AND ANR
SON OF NUR HUSSAIN MONDAL RESIDENT OF VILLAGE KATHALDI PART III POST OFFICE BILASIPARA POLICE STATION BILASIPARA DISTRICT DHUBRI ASSAM PIN 783348

2: RAMJAN ALI
SON OF MUZAMMEL BHUYAN RESIDENT OF VILLAGE KATHALDI PART III POST OFFICE BILASIPARA POLICE STATION BILASIPARA DISTRICT DHUBRI ASSAM PIN 78334

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR J ISLAM, A ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

15.10.2026

Heard Mr A Islam, learned counsel for the petitioners. Also heard Ms S H Bora, learned Additional Public Prosecutor for the State of Assam.

2. By this application, the petitioners have prayed for bail in connection with Fatashil Ambari PS Case No. 134/2026, registered under Sections 331(4)/305(a) of the BNS, 2023.

3. The FIR in connection with which the petitioners were arrested on 03.10.2026 was lodged by one Anup Sutradhar, stating, *inter alia,* that some miscreants entered his house and had stolen articles. He stated that when he saw someone going out of his residence in the early dawn, he raised hue and cry and the villagers reached his house and at that juncture, one of the miscreants while jumping over the wall, sustained injuries and he was apprehended.

4. The learned counsel for the petitioners submits that the petitioners were arrested only on suspicion and that in the forwarding report, it is seen that the Investigating Officer themselves are not sure as to how many mobile handsets were seized.

5. On the other hand, Ms S H Bora, learned Additional Public Prosecutor, submits that it is stated in the forwarding report that the co-accused, namely, Monir Alam, had deposed that he had sold the stolen mobile handsets to the petitioners and that 10 mobiles were recovered from the possession of the petitioner.

6. Upon consideration of the submissions made by the learned counsels, more so, in view of the fact that it is not stipulated in the forwarding report that the petitioners had knowledge that they were purchasing stolen mobile phones, this Court deems it fit to release the petitioners on bail on furnishing bail bonds of Rs. 20,000/- each, with one local surety each to the satisfaction of the learned CJM, Kamrup (Metro), under the following conditions:-

i) the petitioners shall appear before the concerned IO and Court, as and when called for; without fail;

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 their residence without prior permission of the Investigating Officer.

7. Bail Application stands disposed of.

JUDGE

Comparing Assistant