GAHC010236692026

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

Case No. : Bail Appln./3421/2026

AYAM ALI
SO LATE DOMOHA ALI, RO VILL DIPTA, PS AND DIST NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR,

Advocate for the Petitioner : MR. A TALUKDAR, MR. P KASHYAP,D A SERENG,H ALAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 15-10-2026

Heard Mr. A. Talukdar, learned counsel for the petitioner. Also heard Mr. K.K Das, learned Addl. P.P appearing for the State.

2. This application has been filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, whereby the accused petitioner namely, *Ayam Ali*, has prayed for bail in connection with Sessions Case No. 41/2026

pending before the court of the learned Sessions Judge, Nalbari arising out of Nalbari PS Case No. 345/2025 u/s 103(1)/94/3(5) of BNS read with Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015.

3. It is revealed from the records that the two petitioners here who are husband and wife are facing trial. The gist of the allegations in the FIR is that the petitioners in furtherance of their common intention killed their newborn infant by burning and concealed the body in the jungle which was subsequently recovered.

4. The petitioner's wife, Nasima Bibi, was granted bail on 28.08.2026 in Bail Application No. 2372 of 2026 in which the present petitioner had also sought bail, but it was rejected.

5. It is stated and submitted on behalf of the petitioner that the petitioner's wife suffers from a mental illness, which is reflected in the earlier bail order and that they have five small children at home, and there is no effective adult members to look after them other than the father.

6. It is annexed in the relevant document and submitted that the informant has been examined, in the meantime, wherein he had turned hostile.

7. Considering the entire aspect of the matter, despite the serious nature of the allegations, I am of the considered view that the petitioner should be granted bail at this stage in view of the projected conditions of his home, including that of the co-accused.

8. Accordingly, the petitioner namely *Ayam Ali*, is hereby allowed to go on bail on furnishing a bail bond of Rs.30,000/- with one suitable surety of like amount to the satisfaction of learned concerned court subject to the following conditions that: (a) he shall not abscond; (b) he shall not intimidate any witnesses including her children; (c) he shall not hamper or tamper with any witnesses.

9. In view of the above, this bail application stands **allowed** and disposed of.

JUDGE

Comparing Assistant