

Crl. Misc. Case No.91/2026.

ASLK010004822026



Present: Smt. Poli Kataki,
Sessions Judge,
Lakhimpur, North Lakhimpur.

02.07.2026.

1. By filling petition u/s 482 of BNSS, 2023, accused/ petitioner namely, Shri Tulsi Payeng prays for granting pre-arrest bail apprehending his arrest in connection with Boginadi PS Case No.61/2026 corresponding to GR Case No.520/2026 u/s 329(3)/ 296/ 74/ 117(2) of BNS, 2023.

2. The bail petition is supported by an affidavit that no any bail petition is pending or disposed in any other higher court.

3. Called for case diary is received.

4. Brief of the case is that on 15.06.2026, the informant namely Smt. Pujashree Gogoi Borah lodged an ejahar alleging that on 14.06.2026 at about 12 AM, she along with her husband was at her temporary shop. During that time, a group of people led by accused, Hara Kanta Chayengia forced the victim / informant and her husband out of the shop by using force. The accused persons used slang languages and grabbed their neck and assaulted them. When the informant/ victim tried to save her husband, accused persons namely, Paplu Payeng, Tulsi Payeng, Jerifa Kaman and Tutu Kaman disrobed the

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informant/ victim and outraged her modesty. Moreover, one Parmeshwar Kaman cut the temporary bamboo structure which was used for keeping saplings. The accused persons tried ignite fire on the structure. Later on, her family members arrived at the place of occurrence and saved her.

5. On the basis of aforesaid ejahar, Boginadi PS Case No.61/2026 u/s u/s 329(3)/ 296/ 74/ 117(2) of BNS, 2023 was registered.

6. Heard learned counsels, Mr. Aishwarya Handique and Mr. Debabrat Das appearing for the accused/ petitioner and the learned Addl. PP, Mr. M.P. Hazarika on the bail application.

7. Learned counsel for the petitioner submitted that the accused petitioner has been falsely implicated in the case. The accused/ petitioner never involved in said offence and there is no reasonable ground to presume that the petitioner has committed the alleged offence punishable with imprisonment.

8. On the other hand, learned Addl. PP submitted that considering the materials in the Case Diary, pre-arrest bail should not be granted to the present petitioner at this stage.

9. The petitioner/ accused is the Ejahar/ FIR named accused. There are prima facie materials in the

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Case Diary regarding his involvement in the instant case. Hence, considering the nature of offence and prima facie case against the accused / petitioner as revealed from the Case Diary, this Court is of the considered opinion that this is not a fit case or exceptional case for exercising extra ordinary jurisdiction under section 482 of BNSS, 2023.

10. Ordinarily, arrest is a part of the procedure of investigation to secure not only presence of the accused, but for several other purposes. Power under section 482 of BNSS is an extra-ordinary power and the same has to be exercised sparingly only in exceptional cases after proper application of mind as to the nature and gravity of the accusation, possibility of the applicant fleeing justice and other factors to decide whether it is a fit case for grant of pre-arrest bail. Pre-arrest bail is not to be granted as a matter of rule and has to be granted only when the Court is convinced that exception circumstances exist to resort that extra-ordinary remedy the Court at the time of exercising power under section 428 of BNSS must also keep in mind that a criminal offence is not just an offence against individual, but rather the larger societal interest is at stake. Therefore, a delicate balance is required to be maintained between two rights- save-guarding the personal liberty of an individual and the societal interest.

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11. Hence, given the nature of allegation against the accused person, considering the fact that investigation has not yet completed and also considering the materials in the Case Diary so far collected by the I.O., without commenting on the merits of the case, I am not inclined to grant pre-arrest bail to the accused/ petitioner at this stage. Hence, the petition for grant of pre-arrest bail stands rejected.

12. Send back the Case Diary to the I.O of the case with a copy of this order.

13. This Misc. case is disposed of, accordingly.

Sessions Judge,
Lakhimpur, N.Lakhimpur.