

GAHC010024972026



undefined

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

**Case No. : AB/290/2026**

SUBADHAN KALITA  
S/O GANESH KALITA RESIDENT OF DHELACHAR P.S. BOKO DISTRICT  
KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM  
REP BY THE PP, ASSAM

**Advocate for the Petitioner** : MR. A CHAUDHURY, MR. D BORA, MR. N MAHAJAN, MR. P K DAS

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**  
**HONOURABLE MRS. JUSTICE MITALI THAKURIA**

**ORDER**

**Date : --12.02.2026**

Heard Mr. A. Chaudhury, the learned counsel for the petitioner. Also heard P. Borthakur, the learned Additional Public Prosecutor appearing on behalf of State respondent.

**2.** This is an application u/s 482 of Bharatiya Nagarik Suraksha Sanhita

(BNSS), 2023 for granting pre-arrest bail to the accused petitioner in connection with Boko P.S. Case No. 22/2026 u/s 108/3(5) of Bharatiya Nyaya Sanhita (BNS), 2023.

**3.** It is submitted by Mr. Chaudhury that the present accused/petitioner is innocent and he is no way connected in the alleged offence. It may be a fact that the victim may have some relationship with the accused-petitioner who is named as an accused no. 2 but, from the statement made in the FIR itself it is seen that there cannot be any reason for the victim to commit suicide only for the relationship with the present accused/petitioner. He accordingly submitted that Case Diary may reveal the actual fact of the case but as per his information the victim was not happy with her husband i.e. the accused no. 1 who used to torture her being alcoholic and drug addicted. However, the present petitioner is ready and willing to extend his cooperation in further investigation of this case, if he is granted with the privilege of interim pre-arrest bail.

**4.** Mr. Borthakur, the learned Add. PP submitted in this regard that from the FIR itself it cannot be held that the present accused/petitioner is not liable for the said offence when there is a specific statement that as the victim could not tolerate the inhuman torture of both the accused/persons she committed suicide. Mr. Borthakur further submitted that Case Diary may be called for to know the actual fact of the case.

**5.** Hearing the submissions made by learned counsel for both sides and considering the statement made in the FIR, I find it a fit case to extend the privilege of interim pre-arrest bail to the accused/petitioner **Subadhan Kalita** till receipt of the Case Diary.

**6.** Accordingly, it is provided that in the event of arrest of the accused/petitioner namely, **Subadhan Kalita**, in connection with Boko P.S. Case No. 22/2026 u/s 108/3(5) of Bharatiya Nyaya Sanhita (BNS), 2023, he shall be enlarged on interim pre-arrest bail on her executing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer within 7(seven) days;
- (ii) that the petitioner shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. case; and
- (iii) that the petitioner shall not, directly or indirectly, make any inducement, threaten or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

**7.** In the meantime, call for the Case Diary.

**8.** List on 09.03.2026.

**JUDGE**

**Comparing Assistant**