

GAHC010029622026



2026:GAU-AS:2717

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

Case No. : Bail Appln./451/2026

BIJOY BORDOLOI
SON OF LATE MANIK CHANDRA BORDOLOI, RESIDENT OF 19,
HASTINAPUR, 9TH MILE, AMERIGOG N.C., POLICE STATION BASISTHA,
DISTRICT KAMRUP METROPOLITAN, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A TALUKDAR, MR. B J TALUKDAR, MR. DITUL DAS

Advocate for the Respondent : PP, ASSAM,

Linked Case : AB/327/2026

AJAY BORDOLOI
SON OF LATE MANIK CHANDRA BORDOLOI
RESIDENT OF 19
HASTINAPUR
9TH MILE
AMERIGOG N.C.
POLICE STATION BASISTHA
DISTRICT KAMRUP METROPOLITAN
ASSAM.

VERSUS

THE STATE OF ASSAM

REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM.

Advocate for : MR A TALUKDAR
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 23.02.2026

1. Heard Mr. D. Das, learned counsel for the accused applicant. Also heard Mr. K. Baishya, learned Additional Public Prosecutor for the State of Assam.
2. This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying for granting pre-arrest bail to the accused applicant, in connection with Basistha Police Station Case No. 598/2025 under Sections 189(2)/117(2)/109/351(2)(3) of the Bharatiya Nyaya Sanhita, 2023.
3. An FIR was lodged on 15.12.2025, by one Md. Shah Nawaz, alleging that on 14.12.2025 at about 11:00PM, when the informant along with six (6) other persons were returning back from Jowai Via to Guwahati, the main accused , whose name was not mentioned in the FIR, allegedly riding a Scooty

bearing registration no. AS-08A-7962 allegedly hit the Scorpio driven by the informant from the left side and thereafter, the main accused instead of apologizing to the informant and others, allegedly called his gang members by making a phone call and subsequently around fifteen (15) other peoples along with the main accused allegedly assaulted the informant and others using deadly weapons causing injuries on them.

4. On receipt of the FIR, a case being Basistha Police Station Case No. 598/2025 was registered under Section 189(2)/117(2)/109/351(2)(3) of the Bharatiya Nyaya Sanhita, 2023.

5. The learned counsel for the accused applicant submits that the present accused applicant came to the place of occurrence only after receiving a phone call from his brother, who met with an accident with the Scorpio vehicle. He submits that the accused applicant was in no way involved in assaulting the informant and had gone to the spot solely for the purpose of enquiring about the incident upon receiving the call. Therefore, it is submitted that the accused applicant may be granted pre-arrest bail at this stage, as his custodial interrogation may not be required in the instant case.

6. On the other hand, Mr. Goswami, learned Additional Public Prosecutor for the State of Assam, submits that although the accused applicant was not

riding the scooty which met with the accident, he went to the place of occurrence upon receiving the call, and there are sufficient materials in the case diary to suggest his involvement in the assault of the informant. Therefore, it is submitted that pre-arrest bail should not be granted at this stage, as his custodial interrogation may be necessary for the purpose of investigation.

7. Considering the entire facts and circumstances of the matter, this Court is of the considered opinion that, at this stage, custodial detention of the accused applicant is not required. Accordingly, it is directed that, in the event of his arrest by the Investigating Authority in connection with Basistha P.S. Case No. 598/2025, the accused applicant shall be released on pre-arrest bail upon furnishing a bail bond of Rs. 30,000/- with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

I. That the accused applicant shall appear before the investigating officer within a period of 10 days of passing of this order.

II. That the accused applicant shall make himself available as and when called for by the investigating officer.

III. That the accused applicant shall not

try to hamper or tamper with the evidences.

8. In view of the aforesaid direction, the instant AB application is disposed of.

9. CD to be send back.

JUDGE

Comparing Assistant