

GAHC010031272026



2026:GAU-AS:2410

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

Case No. : AB/338/2026

SRI KANU BISWAS AND 2 ORS
SON OF SUSHIL BISWAS
PERMANENT RESIDENTS OF
GELLAPUKHURI ROAD, NEAR BORTHAKUR NURSING HOME, TINSUKIA,
P.S. TINSUKIA,
DIST. TINSUKIA, ASSAM

2: SRI PINKU BISWAS
S/O SRI SUSHIL BISWAS
PERMANENT RESIDENTS OF
GELLAPUKHURI ROAD
NEAR BORTHAKUR NURSING HOME
TINSUKIA
P.S. TINSUKIA
DIST. TINSUKIA
ASSAM

3: SMTI. BHAGYA BISWAS @ DIPTI BISWAS
W/O SRI KANU BISWAS
PERMANENT RESIDENTS OF
GELLAPUKHURI ROAD
NEAR BORTHAKUR NURSING HOME
TINSUKIA
P.S. TINSUKIA
DIST. TINSUKIA
ASSAM

VERSUS

THE STATE OF ASSAM

REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. N HASAN, MR SUBHRAJIT SAIKIA, MR. A HASAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 18-02-2026

Heard Mr. N. Hasan, learned counsel for the accused applicants and Mr. K. K. Parasar, learned Additional Public Prosecutor for the State.

2. This is an application under Section 482 of the BNSS, 2023 praying for granting pre-arrest bail to the accused applicants, namely, ***Sri Kanu Biswas, Sri Pinku Biswas*** and ***Smti. Bhagya Biswas @ Dipti Biswas***, in connection with PRC Case No. 01/2020 under Section 498(A) of the IPC read with Section 313/34 of the IPC, pending before the Court of learned Chief Judicial Magistrate, Tinsukia, corresponding to Tinsukia P.S. Case No. 118/2019.

3. The gist of the case is that one Smti. Susmita Biswas lodged an FIR before the Officer-in-Charge of Tinsukia Police Station on 08.08.2019, alleging that her husband, Shri Shankar Biswas, had been inflicting physical and mental torture upon her for the past two months and, at times, physically assaulted her. She further alleged that on the day of lodging the FIR, at about 3:28 PM, her husband verbally abused her, physically assaulted her and threatened to leave or flee from home if she filed any complaint.

4. On receipt of the FIR, the police registered Tinsukia P.S. Case No. 1188/2019 under the aforementioned sections.
5. The PRC Case No. 01/2020 was registered before the Learned Chief Judicial Magistrate, Tinsukia. Vide order dated 24.02.2020, formal charges under Section 498(A) IPC were framed against Shri Shankar Biswas, who pleaded not guilty and claimed to be tried. Prosecution witnesses were examined and the case reached the stage of arguments.
6. On 10.01.2024, the prosecution submitted that allegations under Section 313 IPC were also involved, requiring the case to be committed to the Hon'ble Court of Sessions. The Learned Trial Court, after perusal of the materials, held that all the three applicants could be tried along with Shri Shankar Biswas and issued summons under Sections 498(A)/313/34 IPC.
7. The applicants, along with Shri Shankar Biswas, preferred Criminal Revision Case No. 26(2)/2024 before the Learned Sessions Judge, Tinsukia, challenging the orders dated 24.02.2020 and 10.01.2024. The revision petition was dismissed vide judgment and order dated 20.01.2026, directing the accused applicants to appear before the learned Trial Court on 02.02.2026. Thereafter, the accused applicants filed a pre-arrest bail application before the learned Sessions Judge, Tinsukia, being Bail Application No. 08/2026, apprehending arrest, as the offence under Section 313 IPC is triable exclusively by the Court of Sessions. The application was dismissed vide order dated 12.02.2026, directing the accused applicants to appear before the learned Trial Court.
8. Mr. Hassan, learned counsel for the accused applicants, submits that the accused applicants are willing to appear before the Trial Court and cooperate with the trial. However, they are apprehending that they might be arrested, as

the offence under Section 313 IPC has been added and that it is triable by the Sessions Court. In view of aforesaid apprehension, the accused applicants have approached this Court for anticipatory bail, so that they can appear before the Trial Court and defend their case.

9. Mr. Parasar, learned Additional Public Prosecutor for the State, opposes the bail prayer of the accused applicants.

10. This Court has perused the materials available on record and has considered the submissions made by the learned counsel appearing for the respective parties.

11. Taking into account the entire facts as well as the willingness of the accused applicants to appear before the learned Trial Court, this Court is of the considered opinion that the accused applicants should be allowed to go on pre-arrest bail at this stage. Accordingly, it is provided that in the event of the arrest of the accused applicants, namely, **Sri Kanu Biswas, Sri Pinku Biswas, and Smti. Bhagya Biswas @ Dipti Biswas**, in connection with PRC Case No. 01/2020, they shall be released on bail upon furnishing a bail bond of Rs. 30,000/- (Rupees Thirty Thousand) each, with a surety of like amount, to the satisfaction of the learned Chief Judicial Magistrate, Tinsukia, subject to the following conditions:

- i. that the accused applicants shall appear before the learned Trial Court on next date fixed, i.e. 20.02.2026;
- ii. that the accused applicants shall appear before the trial as and when called for;
- iii. that the accused applicants shall not directly or indirectly try to hamper or tamper with the trial of the case.

12. In view of the aforesaid directions, the instant anticipatory bail application stands disposed of as allowed.

JUDGE

Comparing Assistant