

GAHC010034862026



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

Case No. : AB/403/2026

MINAL HUSSAIN ALIAS ANOWAR HUSSAIN AHMED AND ANR
S/O ROFIK UDDIN @ RAFIQUE UDDIN
R/O BIDRUHIPAR,
P.S. KACHUDARAM,
DIST. CACHAR, ASSAM

2: ALTAF HUSSAIN @ ALTAF HUSSAIN AHMED
S/O ROFIK UDDIN @ RAFIQUE UDDIN
R/O BIDRUHIPAR

P.S. KACHUDARAM

DIST. CACHAR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM.

Advocate for the Petitioner : MR P DAS, MR K J PATHAK, MS N BARUAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : --25.02.2026

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

2. This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Kachudaram P.S. Case No. 53/2025, under Sections 109(1)/118(2)/190/191(2)/191(3)/329(3) of BNS, 2023, added Section 103(2) of BNS, 2023.

3. It is submitted by Mr. Das that the present accused/petitioners are innocent and they are not involved in the alleged offence. From the FIR itself it is seen that altogether 22 persons have been named in the FIR though all the accused/persons are not involved in the alleged offence. The petitioners are accused No. 12 & 13 in the said list and both the persons are Teacher by profession and there is earlier dispute with the informant regarding admission issue of their children. However, in the FIR, specifically the name of accused nos. 1, 2, 3 & 7 are being mentioned who attacked the informant side with sharp object. However, these petitioners are ready and willing to extend their cooperation in further investigation of this case, if they are granted with some interim protection.

4. Mr. Borthakur, the learned Additional Public Prosecutor submitted in this regard that the names of accused nos. 1,2, 3 & 7 are mentioned in the FIR who alleged to have attacked with sharp object. But, all the accused/persons are equally involved in the alleged offence and hence he insisted to call for the case Diary.

5. Considering the submissions made by learned counsel for both sides and all other circumstances in this case, this Court is of the opinion that some interim protection may be provided to the present petitioners, so that they can appear and cooperate in the investigation of this case and accordingly the prayer is allowed.

6. Accordingly, it is provided that in the event of arrest of the accused/petitioners, namely, [1] Minal Hussain @ Anowar Hussain Ahmed and [2] Altaf Hussain @ Altaf Hussain Ahmed in connection with Kachudaram P.S. Case No. 53/2025, under Sections 109(1)/118(2)/190/191(2)/191(3)/329(3)) of BNS, 2023, added Section 103(2) of BNS, 2023, they shall be enlarged on interim pre-arrest bail on their executing a bond of Rs. 20,000/- (Rupees twenty thousand) only each with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:-

- (i) that the petitioners shall make themselves available for interrogation by the Investigating Officer within 7(seven) days;
- (ii) that the petitioners 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 petitioners 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/them from disclosing such facts to the Court or to any police officer.

7. List the matter accordingly on 09.03.2026 along with AB No. 253/2026.

JUDGE

Comparing Assistant