

GAHC010085572026



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

Case No. : AB/908/2026

NAZIMUDDIN SHEIKH AND 10 ORS
S/O INSAR ALI

2: KITAP ALI ALIS KITAB ALI SHEIKH
S/OL AE SOHRAB ALI

3: INZAMAMUL SHEIKH
S/O KITAP ALI

4: TARIF ALI SHEIKH ALIAS TARIF
S/O KABIL UDDIN SHEIKH

5: SIRAJUL ALI ALIAS HAIDAR
S/O LATE KADER ALI SHEIKH

6: SIRAJUL HOQUE
S/O INSAR ALI

7: AKHERI GOLAP HUSSAIN
S/O INSAR ALI

8: BOBIDUL SHEIKH LIAS BOBIDUL ALI SHEIKH
S/O INSAR ALI

9: RUSTOM ALI
S/O LATE SOHRAB ALI

10: KABIL UDDIN SHEIKH
S/O LATE JOBAN ALI SHEIKH

11: ABDL MOZID ALI ALIAS ABDUL MOZID
S/O AKBAR ALI
ALL ARE R/O VILL. POPRAGAON PART I
P.S. BONGAIGAON

DIST. BONGAIGAON
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM.

Advocate for the Petitioner : MD. I HUSSAIN,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA
ORDER

Date : 05.05.2026.

Heard Mr. I. Hussain, learned counsel for the petitioners. Also heard Mr. B. Sarma, learned Addl. P.P., Assam appearing on behalf of the respondent State.

This is an application under Section 482 of BNSS, 2023 praying for grant of pre-arrest bail to the accused/petitioners, namely, (1) Nazimuddin Sheikh, (2) Kitap Ali @ Kitab Ali Sheikh, (3) Inzamamul Sheikh, (4) Tarif Ali Sheikh @ Tarif, (5) Sirajul Ali @ Haidar, (6) Sirajul Hoque, (7) Akheri Golap Hussain, (8) Bobidul Sheikh @ Bobidul Ali Sheikh, (9) Rustom Ali, (10) Kabil Uddin Sheikh and (11) Abdl Mozid Ali @ Abdul Mozid, who are apprehending arrest in connection with the Bongaigaon P.S. Case No. 73/2026 (corresponding to G.R. Case No.133/2026), registered under Sections 127(2)/189(2)/74/76/304(2)/117(2)/308(2)/351(2) of the BNS, 2023.

Call for the case diary fixing the matter on 25.05.2026.

Heard the learned counsel for the parties on the prayer for interim bail.

It is submitted by Mr. Hussain, the learned counsel that the FIR of the present case has been lodged with some false and concocted allegations and only to make the offence a non-bailable one, some allegations of extortion and outraging of modesty have been inserted. Mr. Hussain further submitted that except some quarrel between two groups, no such incident had happened as alleged in the FIR. However, it is a fact that the petitioners being the responsible people of the locality, raised objection of financial misconduct while constructing road by the informant and for that reason only, there was a quarrel and no other incident had happened as alleged in the FIR. However, to harass the present petitioner, the present FIR has been lodged with some concocted stories. As per the learned counsel for the petitioners, as per the FIR, there are three victims/injured but none of them have come forward to lodge the FIR and the FIR is lodged by the informant, who is not a victim as per the FIR concerned. However, all the accused petitioners are ready and willing to cooperate with the investigation of the case, if they are provided with some interim protection.

Mr. Sarma, the learned Addl. P.P., Assam submitted in this regard that there is not only the allegation of quarrel between two groups but there is clear allegation of outraging the modesty of women and causing injuries to two persons. Mr. Sarma accordingly submitted that the case diary may be called for to actual fact of the case, without passing any order on bail.

Hearing the submissions made by learned counsel for both sides and other aspects of the case, this Court is of the opinion that the accused petitioners, named above, may be provided with some interim protection till receipt of the case diary.

Accordingly, it is provided that in the event of arrest of the accused/petitioners, named above in connection with the Bongaigaon P.S. Case No. 73/2026 (corresponding to G.R. Case No.133/2026), they will be enlarged on interim pre-arrest bail on executing a bond of Rs. 20,000/- (Rupees twenty thousand) only, with one surety of like amount for each of them, to the satisfaction of the arresting authority, subject to the following conditions:-

- (i) that the petitioners will make themselves available for interrogation by the Investigating Officer within 7 (seven) days;
- (ii) that the petitioners will fully co-operate with the investigation of the case and will 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 will not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her/them from disclosing such facts to the Court or to any police officer.

List the matter on 25.05.2026, for case diary.

JUDGE

Comparing Assistant