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

**Case No. : AB/1213/2026**

MOJAMMEL HOQUE AND ANR  
SON OF TAJIM ALI, RESIDENT OF BIJNI GAON, PURAN BIJNI, POST OFFICE  
BIJNI, POLICE STATION BIJNI, DISTRICT CHIRANG, ASSAM.

2: ARJUNA BEGUM  
WIFE OF HASIM ALI AND DAUGHTER OF TAJIM ALI  
RESIDENT OF BIJNI GAON  
PURAN BIJNI  
POST OFFICE BIJNI  
POLICE STATION BIJNI  
DISTRICT CHIRANG  
ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR. R DUBEY, MS N B KAYASTHA, MR. A N I HUSSAIN, MS. A  
B KAYASTHA

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

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

**ORDER**

**Date : --08.06.2026**

Heard Mr. R Dubey, 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 u/s 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for granting pre-arrest bail to the accused petitioners in connection with Bharalumukh P.S. Case No. 48/2026 u/s 61(2)/318(4)/316(2) of Bharatiya Nyaya Sanhita (BNS), 2023.

**3.** It is submitted by Mr. Dubey that the present accused/petitioners are innocent. They have been falsely implicated in the present case. He further submitted that by suppressing the original facts of the present case the FIR was lodged with some false and concocted allegation against the petitioner no. 1. He further submitted that initially there was an agreement with petitioner no. 2 for sale of the said excavator on 26.03.2025. But, in the said agreement also it was stated that the vehicle is in possession of a person in Meghalaya and the petitioner no. 2 has to use the vehicle bringing it from Meghalaya. But, subsequently as she could not pay the amount agreed upon, the agreement was subsequently cancelled on 19.08.2025. But, on the very that day i.e. on 19.08.2025 another agreement was executed with the petitioner no. 1 with the same terms and conditions and in that case also the vehicle was in possession of the person from Meghalaya. However, it is a fact that he came to know by using the documents of the vehicle and after sanctioning of the loan the petitioner had also paid three installments for the said loan which he obtained from the bank. But, at present he is not in a position to use the machinery as it is in possession of a person in Mehgalaya. By suppressing all these facts of the case, a false case is lodged against the present petitioners. The petitioner no. 2 is not involved in the alleged offence but some allegations are also brought

against the petitioner no. 2 and for which the anticipatory bail prayer has been made on behalf of both the petitioner nos. 1 & 2. However, they 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 raised objection and submitted that it is the allegation of the informant that he obtained loan by mortgaging all the documents of the petitioners without giving the payment of agreed amount and thus he cheated the informant and hence the FIR is lodged. Mr. Borthakur accordingly insisted to call for the Case Diary to know the involvement of the present petitioners.

**5.** Hearing the submissions made by learned counsel for both sides, considering the statement made in the FIR and also the annexures filed along with the petition, this Court is of opinion that some interim protection may be provided to the present petitioners, till receipt of the Case Diary.

**6.** Accordingly, it is provided that in the event of arrest of the accused/petitioners, namely, [1] Mojammel Hoque and [2] Arjuna Begum in connection with Bharalumukh P.S. Case No. 48/2026 u/s 61(2)/318(4)/316(2) of Bharatiya Nyaya Sanhita (BNS), 2023, they shall be enlarged on interim pre-arrest bail on their executing a bond of Rs. 30,000/- (Rupees Thirty 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 from disclosing such facts to the Court or to any police officer.

- 7.** In the meantime, call for the Case Diary.
- 8.** List the matter accordingly on **14.07.2026.**

**JUDGE**

**Comparing Assistant**