

GAHC010138892026



2026:GAU-AS:10647

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

Case No. : AB/1511/2026

DOLI DAS AND ANR
W/O. MADHAB DAS, RESIDENT OF VILL.- CHAMUAPARA, P.O.
GANESHKUWARI, P.S. SIPAJHAR, DIST.- DARRANG, ASSAM

2: MADHAB DAS

S/O- NARAYAN DAS
RESIDENT OF VILL.- CHAMUAPARA
P.O. GANESHKUWARI
P.S. SIPAJHAR
DIST.- DARRANG
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N C DAS, MR. S K SINGHA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 03.08.2026

Heard Mr. N. C. Das, learned counsel appearing for the applicants. Also heard Mr. B. Sarma, learned Additional Public Prosecutor appearing for the State respondent.

This is an application under Section 482 of the BNSS, 2023, for granting pre-arrest bail to the accused/applicants, i.e, **Doli Das** and **Madhab Das**, who are apprehending arrest in connection with **Nalbari PS Case No. 114/2026** under Sections 103(2)/ 61/ 49/ 189(2)/ 190/ 191(2)/ 308(2)/ 3(5) of BNS, 2023.

The prosecution case, as unfolded in the FIR and the materials collected during investigation, is that accused No. 1, namely, Promod Haloi, allegedly assaulted the complainant's husband and caused his death.

The case diary as call for is placed before this Court.

Mr. N. C. Das, learned counsel for the applicants submits that the FIR does not attribute any overt act or specific role to the accused/applicants in relation to the offence alleged.

Per contra, Mr. B. Sarma, learned Additional Public Prosecutor appearing for the State respondent, on instructions, fairly submits that there is no adverse report against the accused/applicants from the Investigating Officer. Referring to the materials available in the case diary, he submits that after accused No. 1 allegedly assaulted the complainant's husband in the presence of his minor child, a mob gathered at the place of occurrence. It is alleged that the members of the mob thereafter assaulted the complainant's husband, causing grievous injuries, to which he subsequently succumbed.

I have heard the learned counsel appearing for the parties and also have perused the case diary available on record.

A perusal of the case diary reveals that there is no material,

prima facie, implicating the present accused/applicants in the commission of the offence alleged. In the absence of any incriminating material indicating their involvement, this Court is of the view that their custodial interrogation does not appear to be necessary for the purpose of the ongoing investigation.

Considering the facts and circumstances of the case, it appears that custodial detention of the petitioner may not be justified for the ongoing investigation.

Accordingly, considering the facts and circumstances of the case, it is directed that, in the event of their arrest in connection with the aforesaid case, the accused/applicants shall be released on pre-arrest bail, subject to the condition that they shall cooperate with the investigation as and when required by the Investigating Officer.

With the above observations and directions, the Anticipatory Bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant